

Union Calendar No. 338

107TH CONGRESS
2D SESSION**H. R. 5093****[Report No. 107–564]**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2002

Mr. SKEEN, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior and related agencies for the
6 fiscal year ending September 30, 2003, and for other pur-
7 poses, namely:

1 TITLE I—DEPARTMENT OF THE INTERIOR

2 BUREAU OF LAND MANAGEMENT

3 MANAGEMENT OF LANDS AND RESOURCES

4 For expenses necessary for protection, use, improve-
5 ment, development, disposal, cadastral surveying, classi-
6 fication, acquisition of easements and other interests in
7 lands, and performance of other functions, including main-
8 tenance of facilities, as authorized by law, in the manage-
9 ment of lands and their resources under the jurisdiction
10 of the Bureau of Land Management, including the general
11 administration of the Bureau, and assessment of mineral
12 potential of public lands pursuant to Public Law 96–487
13 (16 U.S.C. 3150(a)), \$826,932,000, to remain available
14 until expended, of which \$1,000,000 is for high priority
15 projects which shall be carried out by the Youth Conserva-
16 tion Corps, defined in section 250(c)(4)(E) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985,
18 as amended, for the purposes of such Act; of which
19 \$2,228,000 shall be available for assessment of the min-
20 eral potential of public lands in Alaska pursuant to section
21 1010 of Public Law 96–487 (16 U.S.C. 3150); and of
22 which not to exceed \$1,000,000 shall be derived from the
23 special receipt account established by the Land and Water
24 Conservation Act of 1965, as amended (16 U.S.C. 460l–
25 6a(i)); and of which \$3,000,000 shall be available in fiscal

1 year 2003 subject to a match by at least an equal amount
2 by the National Fish and Wildlife Foundation, to such
3 Foundation for cost-shared projects supporting conserva-
4 tion of Bureau lands and such funds shall be advanced
5 to the Foundation as a lump sum grant without regard
6 to when expenses are incurred; in addition, \$32,696,000
7 for Mining Law Administration program operations, in-
8 cluding the cost of administering the mining claim fee pro-
9 gram; to remain available until expended, to be reduced
10 by amounts collected by the Bureau and credited to this
11 appropriation from annual mining claim fees so as to re-
12 sult in a final appropriation estimated at not more than
13 \$826,932,000, and \$2,000,000, to remain available until
14 expended, from communication site rental fees established
15 by the Bureau for the cost of administering communica-
16 tion site activities: *Provided*, That appropriations herein
17 made shall not be available for the destruction of healthy,
18 unadopted, wild horses and burros in the care of the Bu-
19 reau or its contractors: *Provided further*, That of the
20 amount provided, \$43,028,000 is for conservation spend-
21 ing category activities pursuant to 251(c) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985, as
23 amended, for the purposes of discretionary spending lim-
24 its.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$655,332,000, to remain available until expended, of which not to exceed \$12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels re-

duction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management

1 activities: *Provided further*, That the Secretary of the Inte-
2 rior may use wildland fire appropriations to enter into
3 non-competitive sole source leases of real property with
4 local governments, at or below fair market value, to con-
5 struct capitalized improvements for fire facilities on such
6 leased properties, including but not limited to fire guard
7 stations, retardant stations, and other initial attack and
8 fire support facilities, and to make advance payments for
9 any such lease or for construction activity associated with
10 the lease.

11 For an additional amount for “Wildland Fire Man-
12 agement”, \$200,000,000, for the cost of fire suppression
13 activities carried out by the Bureau of Land Management
14 and other Federal agencies related to the 2002 fire season,
15 including reimbursement of funds borrowed from other
16 Department of Interior programs to fight such fires: *Pro-*
17 *vided*, That the entire amount shall be available only to
18 the extent an official budget request, that includes des-
19 ignation of the entire amount of the request as an emer-
20 gency requirement as defined in the Balanced Budget and
21 Emergency Deficit Control Act of 1985, as amended, is
22 transmitted by the President to the Congress: *Provided*
23 *further*, That the entire amount is designated by the Con-
24 gress as an emergency requirement pursuant to section
25 251(b)(2)(A) of such Act.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$9,978,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$10,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), \$230,000,000, of which not to exceed \$400,000 shall be available for administrative expenses and of which \$70,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, \$49,286,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California

1 Railroad grant lands, on other Federal lands in the Or-
 2 egon and California land-grant counties of Oregon, and
 3 on adjacent rights-of-way; and acquisition of lands or in-
 4 terests therein including existing connecting roads on or
 5 adjacent to such grant lands; \$105,633,000, to remain
 6 available until expended: *Provided*, That 25 percent of the
 7 aggregate of all receipts during the current fiscal year
 8 from the revested Oregon and California Railroad grant
 9 lands is hereby made a charge against the Oregon and
 10 California land-grant fund and shall be transferred to the
 11 General Fund in the Treasury in accordance with the sec-
 12 ond paragraph of subsection (b) of title II of the Act of
 13 August 28, 1937 (50 Stat. 876).

14 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND
 15 (REVOLVING FUND, SPECIAL ACCOUNT)

16 In addition to the purposes authorized in Public Law
 17 102–381, funds made available in the Forest Ecosystem
 18 Health and Recovery Fund can be used for the purpose
 19 of planning, preparing, *implementing*, and monitoring sal-
 20 vage timber sales and forest ecosystem health and recovery
 21 activities such as release from competing vegetation and
 22 density control treatments. The Federal share of receipts
 23 (defined as the portion of salvage timber receipts not paid
 24 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
 25 1181f–1 et seq., and Public Law 106–393) derived from

1 treatments funded by this account shall be deposited into
2 the Forest Ecosystem Health and Recovery Fund.

3 RANGE IMPROVEMENTS

4 For rehabilitation, protection, and acquisition of
5 lands and interests therein, and improvement of Federal
6 rangelands pursuant to section 401 of the Federal Land
7 Policy and Management Act of 1976 (43 U.S.C. 1701),
8 notwithstanding any other Act, sums equal to 50 percent
9 of all moneys received during the prior fiscal year under
10 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
11 315 et seq.) and the amount designated for range improve-
12 ments from grazing fees and mineral leasing receipts from
13 Bankhead-Jones lands transferred to the Department of
14 the Interior pursuant to law, but not less than
15 \$10,000,000, to remain available until expended: *Pro-*
16 *vided*, That not to exceed \$600,000 shall be available for
17 administrative expenses.

18 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

19 For administrative expenses and other costs related
20 to processing application documents and other authoriza-
21 tions for use and disposal of public lands and resources,
22 for costs of providing copies of official public land docu-
23 ments, for monitoring construction, operation, and termi-
24 nation of facilities in conjunction with use authorizations,
25 and for rehabilitation of damaged property, such amounts
26 as may be collected under Public Law 94–579, as amend-

1 ed, and Public Law 93–153, to remain available until ex-
2 pended: *Provided*, That notwithstanding any provision to
3 the contrary of section 305(a) of Public Law 94–579 (43
4 U.S.C. 1735(a)), any moneys that have been or will be
5 received pursuant to that section, whether as a result of
6 forfeiture, compromise, or settlement, if not appropriate
7 for refund pursuant to section 305(c) of that Act (43
8 U.S.C. 1735(c)), shall be available and may be expended
9 under the authority of this Act by the Secretary to im-
10 prove, protect, or rehabilitate any public lands adminis-
11 tered through the Bureau of Land Management which
12 have been damaged by the action of a resource developer,
13 purchaser, permittee, or any unauthorized person, without
14 regard to whether all moneys collected from each such ac-
15 tion are used on the exact lands damaged which led to
16 the action: *Provided further*, That any such moneys that
17 are in excess of amounts needed to repair damage to the
18 exact land for which funds were collected may be used to
19 repair other damaged public lands.

20 MISCELLANEOUS TRUST FUNDS

21 In addition to amounts authorized to be expended
22 under existing laws, there is hereby appropriated such
23 amounts as may be contributed under section 307 of the
24 Act of October 21, 1976 (43 U.S.C. 1701), and such
25 amounts as may be advanced for administrative costs, sur-
26 veys, appraisals, and costs of making conveyances of omit-

1 ted lands under section 211(b) of that Act, to remain
2 available until expended.

3 ADMINISTRATIVE PROVISIONS

4 Appropriations for the Bureau of Land Management
5 shall be available for purchase, erection, and dismantle-
6 ment of temporary structures, and alteration and mainte-
7 nance of necessary buildings and appurtenant facilities to
8 which the United States has title; up to \$100,000 for pay-
9 ments, at the discretion of the Secretary, for information
10 or evidence concerning violations of laws administered by
11 the Bureau; miscellaneous and emergency expenses of en-
12 forcement activities authorized or approved by the Sec-
13 retary and to be accounted for solely on her certificate,
14 not to exceed \$10,000: *Provided*, That notwithstanding 44
15 U.S.C. 501, the Bureau may, under cooperative cost-shar-
16 ing and partnership arrangements authorized by law, pro-
17 cure printing services from cooperators in connection with
18 jointly produced publications for which the cooperators
19 share the cost of printing either in cash or in services,
20 and the Bureau determines the cooperator is capable of
21 meeting accepted quality standards.

22 UNITED STATES FISH AND WILDLIFE SERVICE

23 RESOURCE MANAGEMENT

24 For necessary expenses of the United States Fish and
25 Wildlife Service, for scientific and economic studies, con-
26 servation, management, investigations, protection, and

1 utilization of fishery and wildlife resources, except whales,
2 seals, and sea lions, maintenance of the herd of long-
3 horned cattle on the Wichita Mountains Wildlife Refuge,
4 general administration, and for the performance of other
5 authorized functions related to such resources by direct
6 expenditure, contracts, grants, cooperative agreements
7 and reimbursable agreements with public and private enti-
8 ties, \$918,359,000 to remain available until September
9 30, 2004, except as otherwise provided herein, of which
10 \$69,006,000 is for conservation spending category activi-
11 ties pursuant to section 251(c) of the Balanced Budget
12 and Emergency Deficit Control Act of 1985, as amended,
13 for the purposes of discretionary spending limits: *Pro-*
14 *vided*, That not less than \$2,000,000 shall be provided to
15 local governments in southern California for planning as-
16 sociated with the Natural Communities Conservation
17 Planning (NCCP) program and shall remain available
18 until expended: *Provided further*, That \$2,000,000 is for
19 high priority projects which shall be carried out by the
20 Youth Conservation Corps, defined in section
21 250(c)(4)(E) of the Balanced Budget and Emergency Def-
22 icit Control Act of 1985, as amended, for the purposes
23 of such Act: *Provided further*, That not to exceed
24 \$9,077,000 shall be used for implementing subsections
25 (a), (b), (c), and (e) of section 4 of the Endangered Spe-

cies Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$5,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: *Provided further*, That of the amount available for law enforcement, up to \$400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisi-

tion of lands and interests therein; \$51,308,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, a single procurement for the expansion of the Clark R. Bavin Forensics Laboratory in Oregon may be issued, which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause “availability of funds” found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$82,250,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, \$40,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16

1 U.S.C. 460l–4 through 11), including administrative ex-
2 penses, and for private conservation efforts to be carried
3 out on private lands, \$10,000,000, to be derived from the
4 Land and Water Conservation Fund, to remain available
5 until expended, and to be for conservation spending cat-
6 egory activities pursuant to section 251(c) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985, as
8 amended, for the purposes of discretionary spending lim-
9 its: *Provided*, That the amount provided herein is for the
10 Secretary to establish a Private Stewardship Grants Pro-
11 gram to provide grants and other assistance to individuals
12 and groups engaged in private conservation efforts that
13 benefit federally listed, proposed, or candidate species, or
14 other at-risk species.

15 COOPERATIVE ENDANGERED SPECIES CONSERVATION

16 FUND

17 For expenses necessary to carry out section 6 of the
18 Endangered Species Act of 1973 (16 U.S.C. 1531–1543),
19 as amended, \$121,400,000, of which \$42,929,000 is to be
20 derived from the Cooperative Endangered Species Con-
21 servation Fund and \$86,471,000 is to be derived from the
22 Land and Water Conservation Fund, to remain available
23 until expended, and to be for the conservation activities
24 defined in section 250(c)(4)(E) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985, as amended,
26 for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$19,414,000, of which \$5,000,000 is for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, \$43,560,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That, notwithstanding any other provision of law, amounts in excess of funds provided in fiscal year 2001 shall be used only for projects in the United States.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), \$5,000,000, to remain available until expended, and to be for conservation spending activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of

1 1985, as amended, for the purposes of discretionary
2 spending limits.

3 MULTINATIONAL SPECIES CONSERVATION FUND

4 For expenses necessary to carry out the African Ele-
5 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
6 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
7 phant Conservation Act of 1997 (Public Law 105–96; 16
8 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
9 tion Act of 1994 (16 U.S.C. 5301–5306), and the Great
10 Ape Conservation Act of 2000 (16 U.S.C. 6301),
11 \$4,800,000, to remain available until expended, and to be
12 for conservation spending activities pursuant to section
13 251(c) of the Balanced Budget and Emergency Deficit
14 Control Act of 1985, as amended, for the purposes of dis-
15 cretionary spending limits.

16 STATE WILDLIFE GRANTS

17 For wildlife conservation grants to States and to the
18 District of Columbia, Puerto Rico, Guam, the United
19 States Virgin Islands, the Northern Mariana Islands,
20 American Samoa, and federally recognized Indian tribes
21 under the provisions of the Fish and Wildlife Act of 1956
22 and the Fish and Wildlife Coordination Act, for the devel-
23 opment and implementation of programs for the benefit
24 of wildlife and their habitat, including species that are not
25 hunted or fished, \$100,000,000, to be derived from the
26 Land and Water Conservation Fund, to remain available

1 until expended, and to be for the conservation activities
2 defined in section 250(c)(4)(E) of the Balanced Budget
3 and Emergency Deficit Control Act of 1985, as amended,
4 for the purposes of such Act: *Provided*, That of the
5 amount provided herein, \$5,000,000 is for a competitive
6 grant program for Indian tribes not subject to the remain-
7 ing provisions of this appropriation: *Provided further*, That
8 the Secretary shall, after deducting said \$5,000,000 and
9 administrative expenses, apportion the amount provided
10 herein in the following manner: (A) to the District of Co-
11 lumbia and to the Commonwealth of Puerto Rico, each
12 a sum equal to not more than one-half of 1 percent there-
13 of: and (B) to Guam, American Samoa, the United States
14 Virgin Islands, and the Commonwealth of the Northern
15 Mariana Islands, each a sum equal to not more than one-
16 fourth of 1 percent thereof: *Provided further*, That the
17 Secretary shall apportion the remaining amount in the fol-
18 lowing manner: (A) one-third of which is based on the
19 ratio to which the land area of such State bears to the
20 total land area of all such States; and (B) two-thirds of
21 which is based on the ratio to which the population of such
22 State bears to the total population of all such States: *Pro-*
23 *vided further*, That the amounts apportioned under this
24 paragraph shall be adjusted equitably so that no State
25 shall be apportioned a sum which is less than 1 percent

1 of the amount available for apportionment under this
2 paragraph for any fiscal year or more than 5 percent of
3 such amount: *Provided further*, That the Federal share of
4 planning grants shall not exceed 75 percent of the total
5 costs of such projects and the Federal share of implemen-
6 tation grants shall not exceed 50 percent of the total costs
7 of such projects: *Provided further*, That the non-Federal
8 share of such projects may not be derived from Federal
9 grant programs: *Provided further*, That no State, terri-
10 tory, or other jurisdiction shall receive a grant unless it
11 has developed, or committed to develop by October 1,
12 2005, a comprehensive wildlife conservation plan, con-
13 sistent with criteria established by the Secretary of the
14 Interior, that considers the broad range of the State, terri-
15 tory, or other jurisdiction's wildlife and associated habi-
16 tats, with appropriate priority placed on those species with
17 the greatest conservation need and taking into consider-
18 ation the relative level of funding available for the con-
19 servation of those species: *Provided further*, That any
20 amount apportioned in 2003 to any State, territory, or
21 other jurisdiction that remains unobligated as of Sep-
22 tember 30, 2004, shall be reapportioned, together with
23 funds appropriated in 2005, in the manner provided here-
24 in.

ADMINISTRATIVE PROVISIONS

1
2 Appropriations and funds available to the United
3 States Fish and Wildlife Service shall be available for pur-
4 chase of not to exceed 102 passenger motor vehicles, of
5 which 75 are for replacement only (including 39 for police-
6 type use); repair of damage to public roads within and
7 adjacent to reservation areas caused by operations of the
8 Service; options for the purchase of land at not to exceed
9 \$1 for each option; facilities incident to such public rec-
10 reational uses on conservation areas as are consistent with
11 their primary purpose; and the maintenance and improve-
12 ment of aquaria, buildings, and other facilities under the
13 jurisdiction of the Service and to which the United States
14 has title, and which are used pursuant to law in connection
15 with management and investigation of fish and wildlife re-
16 sources: *Provided*, That notwithstanding 44 U.S.C. 501,
17 the Service may, under cooperative cost sharing and part-
18 nership arrangements authorized by law, procure printing
19 services from cooperators in connection with jointly pro-
20 duced publications for which the cooperators share at least
21 one-half the cost of printing either in cash or services and
22 the Service determines the cooperator is capable of meet-
23 ing accepted quality standards: *Provided further*, That the
24 Service may accept donated aircraft as replacements for
25 existing aircraft: *Provided further*, That notwithstanding

1 any other provision of law, the Secretary of the Interior
2 may not spend any of the funds appropriated in this Act
3 for the purchase of lands or interests in lands to be used
4 in the establishment of any new unit of the National Wild-
5 life Refuge System unless the purchase is approved in ad-
6 vance by the House and Senate Committees on Appropria-
7 tions in compliance with the reprogramming procedures
8 contained in Senate Report 105–56.

9 NATIONAL PARK SERVICE

10 OPERATION OF THE NATIONAL PARK SYSTEM

11 For expenses necessary for the management, oper-
12 ation, and maintenance of areas and facilities adminis-
13 tered by the National Park Service (including special road
14 maintenance service to trucking permittees on a reimburs-
15 able basis), and for the general administration of the Na-
16 tional Park Service, \$1,605,593,000, of which \$9,000,000
17 is for conservation spending category activities pursuant
18 to section 251(c) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985, as amended, for the purposes
20 of discretionary spending limits and of which \$10,892,000
21 for research, planning and interagency coordination in
22 support of Everglades restoration shall remain available
23 until expended; and of which \$90,280,000 to remain avail-
24 able until September 30, 2004, is for maintenance repair
25 or rehabilitation projects for constructed assets, operation

1 of the National Park Service automated facility manage-
2 ment software system, and comprehensive facility condi-
3 tion assessments; and of which \$2,000,000 is for the
4 Youth Conservation Corps, defined in section
5 250(c)(4)(E) of the Balanced Budget and Emergency Def-
6 icit Control Act of 1985, as amended, for the purposes
7 of such Act, for high priority projects: *Provided*, That the
8 only funds in this account which may be made available
9 to support United States Park Police are those funds ap-
10 proved for emergency law and order incidents pursuant
11 to established National Park Service procedures, those
12 funds needed to maintain and repair United States Park
13 Police administrative facilities, and those funds necessary
14 to reimburse the United States Park Police account for
15 the unbudgeted overtime and travel costs associated with
16 special events for an amount not to exceed \$10,000 per
17 event subject to the review and concurrence of the Wash-
18 ington headquarters office: *Provided further*, That none of
19 the funds in this or any other Act may be used to fund
20 a new Associate Director position for Law Enforcement,
21 Protection, and Emergency Services.

22 UNITED STATES PARK POLICE

23 For expenses necessary to carry out the programs of
24 the United States Park Police, \$78,431,000.

1 NATIONAL RECREATION AND PRESERVATION

2 For expenses necessary to carry out recreation pro-
3 grams, natural programs, cultural programs, heritage
4 partnership programs, environmental compliance and re-
5 view, international park affairs, statutory or contractual
6 aid for other activities, and grant administration, not oth-
7 erwise provided for, \$56,330,000.

8 URBAN PARK AND RECREATION FUND

9 For expenses necessary to carry out the provisions
10 of the Urban Park and Recreation Recovery Act of 1978
11 (16 U.S.C. 2501 et seq.), \$30,000,000, to remain available
12 until expended and to be for the conservation activities
13 defined in section 250(c)(4)(E) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985, as amended,
15 for the purposes of such Act.

16 HISTORIC PRESERVATION FUND

17 For expenses necessary in carrying out the Historic
18 Preservation Act of 1966, as amended (16 U.S.C. 470),
19 and the Omnibus Parks and Public Lands Management
20 Act of 1996 (Public Law 104–333), \$76,500,000, to be
21 derived from the Historic Preservation Fund, to remain
22 available until September 30, 2004, and to be for the con-
23 servation activities defined in section 250(c)(4)(E) of the
24 Balanced Budget and Emergency Deficit Control Control
25 Act of 1985, as amended, for the purposes of such Act:
26 *Provided, That, of the amount provided herein,*

1 \$2,500,000, to remain available until expended, is for a
2 grant for the perpetual care and maintenance of National
3 Trust Historic Sites, as authorized under 16 U.S.C.
4 470a(e)(2), to be made available in full upon signing of
5 a grant agreement: *Provided further*, That, notwith-
6 standing any other provision of law, these funds shall be
7 available for investment with the proceeds to be used for
8 the same purpose as set out herein: *Provided further*, That
9 of the total amount provided, \$30,000,000 shall be for
10 Save America's Treasures for priority preservation
11 projects, of nationally significant sites, structures, and ar-
12 tifacts: *Provided further*, That any individual Save Amer-
13 ica's Treasures grant shall be matched by non-Federal
14 funds: *Provided further*, That individual projects shall only
15 be eligible for one grant, and all projects to be funded shall
16 be approved by the House and Senate Committees on Ap-
17 propriations and the Secretary of the Interior in consulta-
18 tion with the President's Committee on the Arts and Hu-
19 manities prior to the commitment of grant funds: *Provided*
20 *further*, That Save America's Treasures funds allocated
21 for Federal projects shall be available by transfer to ap-
22 propriate accounts of individual agencies, after approval
23 of such projects by the Secretary of the Interior, in con-
24 sultation with the House and Senate Committees on Ap-

1 appropriations and the President's Committee on the Arts
2 and Humanities.

3 CONSTRUCTION

4 For construction, improvements, repair or replace-
5 ment of physical facilities, including the modifications au-
6 thorized by section 104 of the Everglades National Park
7 Protection and Expansion Act of 1989, \$325,186,000, to
8 remain available until expended, of which \$53,736,000 is
9 for conservation activities defined in section 250(c)(4)(E)
10 of the Balanced Budget and Emergency Deficit Control
11 Act of 1985, as amended, for the purposes of such Act:
12 *Provided*, That none of the funds in this or any other Act,
13 may be used to pay the salaries and expenses of more than
14 160 Full Time Equivalent personnel working for the Na-
15 tional Park Service's Denver Service Center funded under
16 the construction program management and operations ac-
17 tivity: *Provided further*, That none of the funds provided
18 in this or any other Act may be used to pre-design, plan,
19 or construct any new facility (including visitor centers, cu-
20 ratorial facilities, administrative buildings), for which ap-
21 propriations have not been specifically provided if the net
22 construction cost of such facility is in excess of
23 \$5,000,000, without prior approval of the House and Sen-
24 ate Committees on Appropriations: *Provided further*, That
25 this restriction applies to all funds available to the Na-
26 tional Park Service, including partnership and fee dem-

1 onstration projects: *Provided further*, That the National
2 Park Service may transfer to the City of Carlsbad, New
3 Mexico, funds for the construction of the National Cave
4 and Karst Research Institute to be built and operated in
5 accordance with provisions in Public Law 105–325 and
6 all other applicable laws and regulations. Title to the Insti-
7 tute will be held by the City of Carlsbad.

8 LAND AND WATER CONSERVATION FUND

9 (RESCISSION)

10 The contract authority provided for fiscal year 2003
11 by 16 U.S.C. 460l–10a is rescinded.

12 LAND ACQUISITION AND STATE ASSISTANCE

13 For expenses necessary to carry out the Land and
14 Water Conservation Act of 1965, as amended (16 U.S.C.
15 460l–4 through 11), including administrative expenses,
16 and for acquisition of lands or waters, or interest therein,
17 in accordance with the statutory authority applicable to
18 the National Park Service, \$253,099,000, to be derived
19 from the Land and Water Conservation Fund, to remain
20 available until expended, and to be for the conservation
21 activities defined in section 250(c)(4)(E) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985, as
23 amended, for the purposes of such Act, of which
24 \$150,000,000 is for the State assistance program includ-
25 ing \$4,000,000 to administer the State assistance pro-
26 gram: *Provided*, That of the amounts provided under this

1 heading, \$20,000,000 may be for Federal grants, includ-
2 ing Federal administrative expenses, to the State of Flor-
3 ida for the acquisition of lands or waters, or interests
4 therein, within the Everglades watershed (consisting of
5 lands and waters within the boundaries of the South Flor-
6 ida Water Management District, Florida Bay and the
7 Florida Keys, including the areas known as the Frog
8 Pond, the Rocky Glades and the Eight and One-Half
9 Square Mile Area) under terms and conditions deemed
10 necessary by the Secretary to improve and restore the
11 hydrological function of the Everglades watershed: *Pro-*
12 *vided further*, That funds provided under this heading for
13 assistance to the State of Florida to acquire lands within
14 the Everglades watershed are contingent upon new match-
15 ing non-Federal funds by the State, or are matched by
16 the State pursuant to the cost-sharing provisions of sec-
17 tion 316(b) of Public Law 104–303, and shall be subject
18 to an agreement that the lands to be acquired will be man-
19 aged in perpetuity for the restoration of the Everglades:
20 *Provided further*, That none of the funds provided for the
21 State assistance program may be used to establish a con-
22 tingency fund: *Provided further*, That notwithstanding any
23 other provision of law, funds provided in this Act and in
24 prior Acts for project modifications by the Army Corps
25 of Engineers pursuant in section 104 of the Everglades

1 National Park Protection and Expansion Act of 1989 shall
2 be made available to the Army Corps of Engineers, which
3 shall implement without further delay Alternative 6D, in-
4 cluding acquisition of lands and interests in lands, as gen-
5 erally described in the Central and Southern Florida
6 Project, Modified Water Deliveries to Everglades National
7 Park, Florida, 8.5 Square Mile Area, General Reevalua-
8 tion Report and Final Supplemental Environmental Im-
9 pact Statement, dated July 2000, for the purpose of pro-
10 viding a flood protection system for the 8.5 Square Mile
11 Area.

12 ADMINISTRATIVE PROVISIONS

13 Appropriations for the National Park Service shall be
14 available for the purchase of not to exceed 301 passenger
15 motor vehicles, of which 273 shall be for replacement only,
16 including not to exceed 226 for police-type use, 10 buses,
17 and 8 ambulances: *Provided*, That none of the funds ap-
18 propriated to the National Park Service may be used to
19 process any grant or contract documents which do not in-
20 clude the text of 18 U.S.C. 1913: *Provided further*, That
21 none of the funds appropriated to the National Park Serv-
22 ice may be used to implement an agreement for the rede-
23 velopment of the southern end of Ellis Island until such
24 agreement has been submitted to the Congress and shall
25 not be implemented prior to the expiration of 30 calendar
26 days (not including any day in which either House of Con-

1 gress is not in session because of adjournment of more
2 than 3 calendar days to a day certain) from the receipt
3 by the Speaker of the House of Representatives and the
4 President of the Senate of a full and comprehensive report
5 on the development of the southern end of Ellis Island,
6 including the facts and circumstances relied upon in sup-
7 port of the proposed project.

8 None of the funds in this Act may be spent by the
9 National Park Service for activities taken in direct re-
10 sponse to the United Nations Biodiversity Convention.

11 The National Park Service may distribute to oper-
12 ating units based on the safety record of each unit the
13 costs of programs designed to improve workplace and em-
14 ployee safety, and to encourage employees receiving work-
15 ers' compensation benefits pursuant to chapter 81 of title
16 5, United States Code, to return to appropriate positions
17 for which they are medically able.

18 Notwithstanding any other provision of law, in fiscal
19 year 2003 and thereafter, sums provided to the National
20 Park Service by private entities for utility services shall
21 be credited to the appropriate account and remain avail-
22 able until expended. Heretofore and hereafter, in carrying
23 out the work under reimbursable agreements with any
24 State, local or tribal government, the National Park Serv-
25 ice may, without regard to 31 U.S.C. 1341 or any other

1 provision of law or regulation, record obligations against
2 accounts receivable from such entities, and shall credit
3 amounts received from such entities to the appropriate ac-
4 count, such credit to occur within 90 days of the date of
5 the original request by the National Park Service for pay-
6 ment.

7 UNITED STATES GEOLOGICAL SURVEY

8 SURVEYS, INVESTIGATIONS, AND RESEARCH

9 For expenses necessary for the United States Geo-
10 logical Survey to perform surveys, investigations, and re-
11 search covering topography, geology, hydrology, biology,
12 and the mineral and water resources of the United States,
13 its territories and possessions, and other areas as author-
14 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
15 to their mineral and water resources; give engineering su-
16 pervision to power permittees and Federal Energy Regu-
17 latory Commission licensees; administer the minerals ex-
18 ploration program (30 U.S.C. 641); and publish and dis-
19 seminate data relative to the foregoing activities; and to
20 conduct inquiries into the economic conditions affecting
21 mining and materials processing industries (30 U.S.C. 3,
22 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes
23 as authorized by law and to publish and disseminate data;
24 \$928,405,000, of which \$64,855,000 shall be available
25 only for cooperation with States or municipalities for

1 water resources investigations; of which \$15,650,000 shall
2 remain available until expended for conducting inquiries
3 into the economic conditions affecting mining and mate-
4 rials processing industries; of which \$24,448,000 shall be
5 available until September 30, 2004 for the operation and
6 maintenance of facilities and deferred maintenance; and
7 of which \$170,414,000 shall be available until September
8 30, 2004 for the biological research activity and the oper-
9 ation of the Cooperative Research Units: *Provided*, That
10 none of these funds provided for the biological research
11 activity shall be used to conduct new surveys on private
12 property, unless specifically authorized in writing by the
13 property owner: *Provided further*, That of the amount pro-
14 vided herein, \$25,000,000 is for the conservation activities
15 defined in section 250(c)(4)(E) of the Balanced Budget
16 and Emergency Deficit Control Act of 1985, as amended,
17 for the purposes of such Act: *Provided further*, That no
18 part of this appropriation shall be used to pay more than
19 one-half the cost of topographic mapping or water re-
20 sources data collection and investigations carried on in co-
21 operation with States and municipalities.

22 ADMINISTRATIVE PROVISIONS

23 The amount appropriated for the United States Geo-
24 logical Survey shall be available for the purchase of not
25 to exceed 53 passenger motor vehicles, of which 48 are
26 for replacement only; reimbursement to the General Serv-

ices Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may use cooperative agreements for joint research and data collection programs with Federal, State, and academic partners and may obtain space in cooperator facilities incident to such cooperative agreements.

MINERAL MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing

1 laws and regulations applicable to oil, gas, and other min-
2 erals leases, permits, licenses and operating contracts; and
3 for matching grants or cooperative agreements; including
4 the purchase of not to exceed eight passenger motor vehi-
5 cles for replacement only, \$164,721,000, of which
6 \$83,284,000, shall be available for royalty management
7 activities; and an amount not to exceed \$100,230,000, to
8 be credited to this appropriation and to remain available
9 until expended, from additions to receipts resulting from
10 increases to rates in effect on August 5, 1993, from rate
11 increases to fee collections for Outer Continental Shelf ad-
12 ministrative activities performed by the Minerals Manage-
13 ment Service over and above the rates in effect on Sep-
14 tember 30, 1993, and from additional fees for Outer Con-
15 tinental Shelf administrative activities established after
16 September 30, 1993: *Provided*, That to the extent
17 \$100,230,000 in additions to receipts are not realized
18 from the sources of receipts stated above, the amount
19 needed to reach \$100,230,000 shall be credited to this ap-
20 propriation from receipts resulting from rental rates for
21 Outer Continental Shelf leases in effect before August 5,
22 1993: *Provided further*, That \$3,000,000 for computer ac-
23 quisitions shall remain available until September 30,
24 2004: *Provided further*, That funds appropriated under
25 this Act shall be available for the payment of interest in

1 accordance with 30 U.S.C. 1721(b) and (d): *Provided fur-*
2 *ther*, That not to exceed \$3,000 shall be available for rea-
3 sonable expenses related to promoting volunteer beach and
4 marine cleanup activities: *Provided further*, That notwith-
5 standing any other provision of law, \$15,000 under this
6 heading shall be available for refunds of overpayments in
7 connection with certain Indian leases in which the Direc-
8 tor of the Minerals Management Service (MMS) concurred
9 with the claimed refund due, to pay amounts owed to In-
10 dian allottees or tribes, or to correct prior unrecoverable
11 erroneous payments: *Provided further*, That MMS may
12 under the royalty-in-kind pilot program, or under its au-
13 thority to transfer oil to the Strategic Petroleum Reserve,
14 use a portion of the revenues from royalty-in-kind sales,
15 without regard to fiscal year limitation, to pay for trans-
16 portation to wholesale market centers or upstream pooling
17 points, to process or otherwise dispose of royalty produc-
18 tion taken in kind, and to recover MMS transportation
19 costs, salaries, and other administrative costs directly re-
20 lated to filling the Strategic Petroleum Reserve: *Provided*
21 *further*, That MMS shall analyze and document the ex-
22 pected return in advance of any royalty-in-kind sales to
23 assure to the maximum extent practicable that royalty in-
24 come under the pilot program is equal to or greater than

1 royalty income recognized under a comparable royalty-in-
2 value program.

3 OIL SPILL RESEARCH

4 For necessary expenses to carry out title I, section
5 1016, title IV, sections 4202 and 4303, title VII, and title
6 VIII, section 8201 of the Oil Pollution Act of 1990,
7 \$6,105,000, which shall be derived from the Oil Spill Li-
8 ability Trust Fund, to remain available until expended.

9 OFFICE OF SURFACE MINING RECLAMATION AND

10 ENFORCEMENT

11 REGULATION AND TECHNOLOGY

12 For necessary expenses to carry out the provisions
13 of the Surface Mining Control and Reclamation Act of
14 1977, Public Law 95–87, as amended, including the pur-
15 chase of not to exceed 10 passenger motor vehicles, for
16 replacement only; \$105,367,000: *Provided*, That the Sec-
17 retary of the Interior, pursuant to regulations, may use
18 directly or through grants to States, moneys collected in
19 fiscal year 2003 for civil penalties assessed under section
20 518 of the Surface Mining Control and Reclamation Act
21 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-
22 fected by coal mining practices after August 3, 1977, to
23 remain available until expended: *Provided further*, That
24 appropriations for the Office of Surface Mining Reclama-
25 tion and Enforcement may provide for the travel and per
26 diem expenses of State and tribal personnel attending Of-

1 fice of Surface Mining Reclamation and Enforcement
2 sponsored training.

3 ABANDONED MINE RECLAMATION FUND

4 For necessary expenses to carry out title IV of the
5 Surface Mining Control and Reclamation Act of 1977,
6 Public Law 95–87, as amended, including the purchase
7 of not more than 10 passenger motor vehicles for replace-
8 ment only, \$184,745,000, to be derived from receipts of
9 the Abandoned Mine Reclamation Fund and to remain
10 available until expended; of which up to \$10,000,000, to
11 be derived from the Federal Expenses Share of the Fund,
12 shall be for supplemental grants to States for the reclama-
13 tion of abandoned sites with acid mine rock drainage from
14 coal mines, and for associated activities, through the Ap-
15 palachian Clean Streams Initiative: *Provided*, That grants
16 to minimum program States will be \$1,500,000 per State
17 in fiscal year 2003: *Provided further*, That of the funds
18 herein provided up to \$18,000,000 may be used for the
19 emergency program authorized by section 410 of Public
20 Law 95–87, as amended, of which no more than 25 per-
21 cent shall be used for emergency reclamation projects in
22 any one State and funds for federally administered emer-
23 gency reclamation projects under this proviso shall not ex-
24 ceed \$11,000,000: *Provided further*, That prior year unob-
25 ligated funds appropriated for the emergency reclamation
26 program shall not be subject to the 25 percent limitation

1 per State and may be used without fiscal year limitation
2 for emergency projects: *Provided further*, That pursuant
3 to Public Law 97–365, the Department of the Interior is
4 authorized to use up to 20 percent from the recovery of
5 the delinquent debt owed to the United States Government
6 to pay for contracts to collect these debts: *Provided fur-*
7 *ther*, That funds made available under title IV of Public
8 Law 95–87 may be used for any required non-Federal
9 share of the cost of projects funded by the Federal Gov-
10 ernment for the purpose of environmental restoration re-
11 lated to treatment or abatement of acid mine drainage
12 from abandoned mines: *Provided further*, That such
13 projects must be consistent with the purposes and prior-
14 ities of the Surface Mining Control and Reclamation Act.

15 BUREAU OF INDIAN AFFAIRS

16 OPERATION OF INDIAN PROGRAMS

17 For expenses necessary for the operation of Indian
18 programs, as authorized by law, including the Snyder Act
19 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
20 termination and Education Assistance Act of 1975 (25
21 U.S.C. 450 et seq.), as amended, the Education Amend-
22 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
23 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
24 as amended, \$1,859,064,000, to remain available until
25 September 30, 2004 except as otherwise provided herein,

1 of which not to exceed \$89,857,000 shall be for welfare
2 assistance payments and notwithstanding any other provi-
3 sion of law, including but not limited to the Indian Self-
4 Determination Act of 1975, as amended, not to exceed
5 \$133,209,000 shall be available for payments to tribes and
6 tribal organizations for contract support costs associated
7 with ongoing contracts, grants, compacts, or annual fund-
8 ing agreements entered into with the Bureau prior to or
9 during fiscal year 2003, as authorized by such Act, except
10 that tribes and tribal organizations may use their tribal
11 priority allocations for unmet indirect costs of ongoing
12 contracts, grants, or compacts, or annual funding agree-
13 ments and for unmet welfare assistance costs; and up to
14 \$2,000,000 shall be for the Indian Self-Determination
15 Fund which shall be available for the transitional cost of
16 initial or expanded tribal contracts, grants, compacts or
17 cooperative agreements with the Bureau under such Act;
18 and of which not to exceed \$454,985,000 for school oper-
19 ations costs of Bureau-funded schools and other education
20 programs shall become available on July 1, 2003, and
21 shall remain available until September 30, 2004; and of
22 which not to exceed \$57,536,000 shall remain available
23 until expended for housing improvement, road mainte-
24 nance, attorney fees, litigation support, the Indian Self-
25 Determination Fund, land records improvement, and the

1 Navajo-Hopi Settlement Program: *Provided*, That not-
2 withstanding any other provision of law, including but not
3 limited to the Indian Self-Determination Act of 1975, as
4 amended, and 25 U.S.C. 2008, not to exceed \$49,065,000
5 within and only from such amounts made available for
6 school operations shall be available to tribes and tribal or-
7 ganizations for administrative cost grants associated with
8 the operation of Bureau-funded schools: *Provided further*,
9 That any forestry funds allocated to a tribe which remain
10 unobligated as of September 30, 2004, may be transferred
11 during fiscal year 2005 to an Indian forest land assistance
12 account established for the benefit of such tribe within the
13 tribe's trust fund account: *Provided further*, That any such
14 unobligated balances not so transferred shall expire on
15 September 30, 2005.

16 CONSTRUCTION

17 For construction, repair, improvement, and mainte-
18 nance of irrigation and power systems, buildings, utilities,
19 and other facilities, including architectural and engineer-
20 ing services by contract; acquisition of lands, and interests
21 in lands; and preparation of lands for farming, and for
22 construction of the Navajo Indian Irrigation Project pur-
23 suant to Public Law 87-483, \$345,252,000, to remain
24 available until expended: *Provided*, That such amounts as
25 may be available for the construction of the Navajo Indian
26 Irrigation Project may be transferred to the Bureau of

1 Reclamation: *Provided further*, That not to exceed 6 per-
2 cent of contract authority available to the Bureau of In-
3 dian Affairs from the Federal Highway Trust Fund may
4 be used to cover the road program management costs of
5 the Bureau: *Provided further*, That any funds provided for
6 the Safety of Dams program pursuant to 25 U.S.C. 13
7 shall be made available on a nonreimbursable basis: *Pro-*
8 *vided further*, That for fiscal year 2003, in implementing
9 new construction or facilities improvement and repair
10 project grants in excess of \$100,000 that are provided to
11 tribally controlled grant schools under Public Law 100–
12 297, as amended, the Secretary of the Interior shall use
13 the Administrative and Audit Requirements and Cost
14 Principles for Assistance Programs contained in 43 CFR
15 part 12 as the regulatory requirements: *Provided further*,
16 That such grants shall not be subject to section 12.61 of
17 43 CFR; the Secretary and the grantee shall negotiate and
18 determine a schedule of payments for the work to be per-
19 formed: *Provided further*, That in considering applications,
20 the Secretary shall consider whether the Indian tribe or
21 tribal organization would be deficient in assuring that the
22 construction projects conform to applicable building stand-
23 ards and codes and Federal, tribal, or State health and
24 safety standards as required by 25 U.S.C. 2005(a), with
25 respect to organizational and financial management capa-

1 bilities: *Provided further*, That if the Secretary declines an
2 application, the Secretary shall follow the requirements
3 contained in 25 U.S.C. 2505(f): *Provided further*, That
4 any disputes between the Secretary and any grantee con-
5 cerning a grant shall be subject to the disputes provision
6 in 25 U.S.C. 2508(e).

7 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
8 MISCELLANEOUS PAYMENTS TO INDIANS

9 For miscellaneous payments to Indian tribes and in-
10 dividuals and for necessary administrative expenses,
11 \$60,949,000, to remain available until expended; of which
12 \$24,870,000 shall be available for implementation of en-
13 acted Indian land and water claim settlements pursuant
14 to Public Laws 101–618 and 102–575, and for implemen-
15 tation of other enacted water rights settlements; of which
16 \$5,068,000 shall be available for future water supplies fa-
17 cilities under Public Law 106–163; of which \$31,011,000
18 shall be available pursuant to Public Laws 99–264, 100–
19 580, 106–263, 106–425, and 106–554: *Provided*, That of
20 the amount provided for implementation of Public Law
21 106–263, \$3,000,000 for a water rights and habitat acqui-
22 sition program shall be derived from the Land and Water
23 Conservation Fund.

24 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

25 For the cost of guaranteed and insured loans,
26 \$5,000,000, as authorized by the Indian Financing Act

1 of 1974, as amended: *Provided*, That such costs, including
2 the cost of modifying such loans, shall be as defined in
3 section 502 of the Congressional Budget Act of 1974: *Pro-*
4 *vided further*, That these funds are available to subsidize
5 total loan principal, any part of which is to be guaranteed,
6 not to exceed \$72,424,000.

7 In addition, for administrative expenses to carry out
8 the guaranteed and insured loan programs, \$493,000.

9 ADMINISTRATIVE PROVISIONS

10 The Bureau of Indian Affairs may carry out the oper-
11 ation of Indian programs by direct expenditure, contracts,
12 cooperative agreements, compacts and grants, either di-
13 rectly or in cooperation with States and other organiza-
14 tions.

15 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
16 Affairs may contract for services in support of the man-
17 agement, operation, and maintenance of the Power Divi-
18 sion of the San Carlos Irrigation Project.

19 Appropriations for the Bureau of Indian Affairs (ex-
20 cept the revolving fund for loans, the Indian loan guar-
21 antee and insurance fund, and the Indian Guaranteed
22 Loan Program account) shall be available for expenses of
23 exhibits, and purchase of not to exceed 229 passenger
24 motor vehicles, of which not to exceed 187 shall be for
25 replacement only.

1 Notwithstanding any other provision of law, no funds
2 available to the Bureau of Indian Affairs for central office
3 operations, pooled overhead general administration (except
4 facilities operations and maintenance), or provided to im-
5 plement the recommendations of the National Academy of
6 Public Administration's August 1999 report shall be avail-
7 able for tribal contracts, grants, compacts, or cooperative
8 agreements with the Bureau of Indian Affairs under the
9 provisions of the Indian Self-Determination Act or the
10 Tribal Self-Governance Act of 1994 (Public Law 103–
11 413).

12 In the event any tribe returns appropriations made
13 available by this Act to the Bureau of Indian Affairs for
14 distribution to other tribes, this action shall not diminish
15 the Federal Government's trust responsibility to that
16 tribe, or the government-to-government relationship be-
17 tween the United States and that tribe, or that tribe's abil-
18 ity to access future appropriations.

19 Notwithstanding any other provision of law, no funds
20 available to the Bureau, other than the amounts provided
21 herein for assistance to public schools under 25 U.S.C.
22 452 et seq., shall be available to support the operation of
23 any elementary or secondary school in the State of Alaska.

24 Appropriations made available in this or any other
25 Act for schools funded by the Bureau shall be available

1 only to the schools in the Bureau school system as of Sep-
2 tember 1, 1996. No funds available to the Bureau shall
3 be used to support expanded grades for any school or dor-
4 mitory beyond the grade structure in place or approved
5 by the Secretary of the Interior at each school in the Bu-
6 reau school system as of October 1, 1995. Funds made
7 available under this Act may not be used to establish a
8 charter school at a Bureau-funded school (as that term
9 is defined in section 1146 of the Education Amendments
10 of 1978 (25 U.S.C. 2026)), except that a charter school
11 that is in existence on the date of the enactment of this
12 Act and that has operated at a Bureau-funded school be-
13 fore September 1, 1999, may continue to operate during
14 that period, but only if the charter school pays to the Bu-
15 reau a pro rata share of funds to reimburse the Bureau
16 for the use of the real and personal property (including
17 buses and vans), the funds of the charter school are kept
18 separate and apart from Bureau funds, and the Bureau
19 does not assume any obligation for charter school pro-
20 grams of the State in which the school is located if the
21 charter school loses such funding. Employees of Bureau-
22 funded schools sharing a campus with a charter school and
23 performing functions related to the charter school's oper-
24 ation and employees of a charter school shall not be treat-
25 ed as Federal employees for purposes of chapter 171 of

1 title 28, United States Code (commonly known as the
2 “Federal Tort Claims Act”).

3 DEPARTMENTAL OFFICES

4 INSULAR AFFAIRS

5 ASSISTANCE TO TERRITORIES

6 For expenses necessary for assistance to territories
7 under the jurisdiction of the Department of the Interior,
8 \$73,217,000, of which: (1) \$67,922,000 shall be available
9 until expended for technical assistance, including mainte-
10 nance assistance, disaster assistance, insular management
11 controls, coral reef initiative activities, and brown tree
12 snake control and research; grants to the judiciary in
13 American Samoa for compensation and expenses, as au-
14 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
15 ment of American Samoa, in addition to current local rev-
16 enues, for construction and support of governmental func-
17 tions; grants to the Government of the Virgin Islands as
18 authorized by law; grants to the Government of Guam,
19 as authorized by law; and grants to the Government of
20 the Northern Mariana Islands as authorized by law (Pub-
21 lic Law 94–241; 90 Stat. 272); and (2) \$5,295,000 shall
22 be available for salaries and expenses of the Office of Insu-
23 lar Affairs: *Provided*, That all financial transactions of the
24 territorial and local governments herein provided for, in-
25 cluding such transactions of all agencies or instrumental-

ities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for Northern Mariana Islands Covenant grant funding, \$1,000,000 shall be granted to the Prior Service Benefits Administration: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure, with territorial participation and cost sharing to be determined by the Secretary based on the grantee’s commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the

1 Robert T. Stafford Disaster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 5170c).

3 COMPACT OF FREE ASSOCIATION

4 For economic assistance and necessary expenses for
5 the Federated States of Micronesia and the Republic of
6 the Marshall Islands as provided for in sections 122, 221,
7 223, 232, and 233 of the Compact of Free Association,
8 and for economic assistance and necessary expenses for
9 the Republic of Palau as provided for in sections 122, 221,
10 223, 232, and 233 of the Compact of Free Association,
11 \$21,045,000, to remain available until expended, as au-
12 thorized by Public Law 99–239 and Public Law 99–658.

13 DEPARTMENTAL MANAGEMENT

14 SALARIES AND EXPENSES

15 For necessary expenses for management of the De-
16 partment of the Interior, \$72,533,000, of which not to ex-
17 ceed \$8,500 may be for official reception and representa-
18 tion expenses, and of which up to \$1,000,000 shall be
19 available for workers compensation payments and unem-
20 ployment compensation payments associated with the or-
21 derly closure of the United States Bureau of Mines.

22 OFFICE OF THE SOLICITOR

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of the Solicitor,
25 \$47,473,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$36,239,000, of which \$3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, \$2,000,000, to remain available until expended.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$141,277,000, to remain available until expended, including not to exceed \$15,000,000 to perform a historical accounting of each Individual Indian Money Account open on December 31, 2000, covering the period from the date on which the account was opened or January 1, 1985, whichever is later, to December 31, 2000: *Provided*, That hereafter no funds provided under this or

1 any other Act shall be available to conduct a historical
2 accounting of Individual Indian Money Accounts other
3 than an accounting for the period specified in this Act of
4 accounts open on December 31, 2000, unless such ac-
5 counting is specifically provided for in a subsequent Act
6 of Congress: *Provided further*, That funds for trust man-
7 agement improvements may be transferred, as needed, to
8 the Bureau of Indian Affairs “Operation of Indian Pro-
9 grams” account and to the Departmental Management
10 “Salaries and Expenses” account: *Provided further*, That
11 funds made available to Tribes and Tribal organizations
12 through contracts or grants obligated during fiscal year
13 2003, as authorized by the Indian Self-Determination Act
14 of 1975 (25 U.S.C. 450 et seq.), shall remain available
15 until expended by the contractor or grantee: *Provided fur-*
16 *ther*, That notwithstanding any other provision of law, the
17 statute of limitations shall not commence to run on any
18 claim, including any claim in litigation pending on the date
19 of the enactment of this Act, concerning losses to or mis-
20 management of trust funds, until the affected tribe or in-
21 dividual Indian has been furnished with an accounting of
22 such funds from which the beneficiary can determine
23 whether there has been a loss: *Provided further*, That not-
24 withstanding any other provision of law, the Secretary
25 shall not be required to provide a quarterly statement of

1 performance for any Indian trust account that has not had
2 activity for at least 18 months and has a balance of \$1.00
3 or less: *Provided further*, That the Secretary shall issue
4 an annual account statement and maintain a record of any
5 such accounts and shall permit the balance in each such
6 account to be withdrawn upon the express written request
7 of the account holder: *Provided further*, That not to exceed
8 \$50,000 is available for the Secretary to make payments
9 to correct administrative errors of either disbursements
10 from or deposits to Individual Indian Money or Tribal ac-
11 counts after September 30, 2002: *Provided further*, That
12 erroneous payments that are recovered shall be credited
13 to this account.

14 INDIAN LAND CONSOLIDATION

15 For consolidation of fractional interests in Indian
16 lands and expenses associated with redetermining and re-
17 distributing escheated interests in allotted lands, and for
18 necessary expenses to carry out the Indian Land Consoli-
19 dation Act of 1983, as amended, by direct expenditure or
20 cooperative agreement, \$7,980,000, to remain available
21 until expended and which may be transferred to the Bu-
22 reau of Indian Affairs and Departmental Management.

NATURAL RESOURCE DAMAGE ASSESSMENT AND
RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), \$5,538,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the “Departmental Management”, “Office of the Solicitor”, and “Office of Inspector General” may be aug-

1 mented through the Working Capital Fund or the Consoli-
2 dated Working Fund.

3 GENERAL PROVISIONS, DEPARTMENT OF THE
4 INTERIOR

5 SEC. 101. Appropriations made in this title shall be
6 available for expenditure or transfer (within each bureau
7 or office), with the approval of the Secretary, for the emer-
8 gency reconstruction, replacement, or repair of aircraft,
9 buildings, utilities, or other facilities or equipment dam-
10 aged or destroyed by fire, flood, storm, or other unavail-
11 able causes: *Provided*, That no funds shall be made avail-
12 able under this authority until funds specifically made
13 available to the Department of the Interior for emer-
14 gencies shall have been exhausted: *Provided further*, That
15 all funds used pursuant to this section are hereby des-
16 ignated by Congress to be “emergency requirements” pur-
17 suant to section 251(b)(2)(A) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985, and must be re-
19 plenished by a supplemental appropriation which must be
20 requested as promptly as possible.

21 SEC. 102. The Secretary may authorize the expendi-
22 ture or transfer of any no year appropriation in this title,
23 in addition to the amounts included in the budget pro-
24 grams of the several agencies, for the suppression or emer-
25 gency prevention of wildland fires on or threatening lands

1 under the jurisdiction of the Department of the Interior;
2 for the emergency rehabilitation of burned-over lands
3 under its jurisdiction; for emergency actions related to po-
4 tential or actual earthquakes, floods, volcanoes, storms, or
5 other unavoidable causes; for contingency planning subse-
6 quent to actual oil spills; for response and natural resource
7 damage assessment activities related to actual oil spills;
8 for the prevention, suppression, and control of actual or
9 potential grasshopper and Mormon cricket outbreaks on
10 lands under the jurisdiction of the Secretary, pursuant to
11 the authority in section 1773(b) of Public Law 99–198
12 (99 Stat. 1658); for emergency reclamation projects under
13 section 410 of Public Law 95–87; and shall transfer, from
14 any no year funds available to the Office of Surface Min-
15 ing Reclamation and Enforcement, such funds as may be
16 necessary to permit assumption of regulatory authority in
17 the event a primacy State is not carrying out the regu-
18 latory provisions of the Surface Mining Act: *Provided*,
19 That appropriations made in this title for wildland fire
20 operations shall be available for the payment of obligations
21 incurred during the preceding fiscal year, and for reim-
22 bursement to other Federal agencies for destruction of ve-
23 hicles, aircraft, or other equipment in connection with
24 their use for wildland fire operations, such reimbursement
25 to be credited to appropriations currently available at the

1 time of receipt thereof: *Provided further*, That for wildland
2 fire operations, no funds shall be made available under
3 this authority until the Secretary determines that funds
4 appropriated for “wildland fire operations” shall be ex-
5 hausted within 30 days: *Provided further*, That all funds
6 used pursuant to this section are hereby designated by
7 Congress to be “emergency requirements” pursuant to
8 section 251(b)(2)(A) of the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985, and must be replen-
10 ished by a supplemental appropriation which must be re-
11 quested as promptly as possible: *Provided further*, That
12 such replenishment funds shall be used to reimburse, on
13 a pro rata basis, accounts from which emergency funds
14 were transferred.

15 SEC. 103. Appropriations made in this title shall be
16 available for operation of warehouses, garages, shops, and
17 similar facilities, wherever consolidation of activities will
18 contribute to efficiency or economy, and said appropria-
19 tions shall be reimbursed for services rendered to any
20 other activity in the same manner as authorized by sec-
21 tions 1535 and 1536 of title 31, United States Code: *Pro-*
22 *vided*, That reimbursements for costs and supplies, mate-
23 rials, equipment, and for services rendered may be cred-
24 ited to the appropriation current at the time such reim-
25 bursements are received.

1 SEC. 104. Appropriations made to the Department
2 of the Interior in this title shall be available for services
3 as authorized by 5 U.S.C. 3109, when authorized by the
4 Secretary, in total amount not to exceed \$500,000; hire,
5 maintenance, and operation of aircraft; hire of passenger
6 motor vehicles; purchase of reprints; payment for tele-
7 phone service in private residences in the field, when au-
8 thorized under regulations approved by the Secretary; and
9 the payment of dues, when authorized by the Secretary,
10 for library membership in societies or associations which
11 issue publications to members only or at a price to mem-
12 bers lower than to subscribers who are not members.

13 SEC. 105. Appropriations available to the Depart-
14 ment of the Interior for salaries and expenses shall be
15 available for uniforms or allowances therefor, as author-
16 ized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

17 SEC. 106. Annual appropriations made in this title
18 shall be available for obligation in connection with con-
19 tracts issued for services or rentals for periods not in ex-
20 cess of 12 months beginning at any time during the fiscal
21 year.

22 SEC. 107. No funds provided in this title may be ex-
23 pended by the Department of the Interior for the conduct
24 of offshore preleasing, leasing and related activities placed
25 under restriction in the President’s moratorium statement

1 of June 12, 1998, in the areas of northern, central, and
2 southern California; the North Atlantic; Washington and
3 Oregon; and the eastern Gulf of Mexico south of 26 de-
4 grees north latitude and east of 86 degrees west longitude.

5 SEC. 108. No funds provided in this title may be ex-
6 pended by the Department of the Interior for the conduct
7 of offshore oil and natural gas preleasing, leasing, and re-
8 lated activities, on lands within the North Aleutian Basin
9 planning area.

10 SEC. 109. No funds provided in this title may be ex-
11 pended by the Department of the Interior to conduct off-
12 shore oil and natural gas preleasing, leasing and related
13 activities in the eastern Gulf of Mexico planning area for
14 any lands located outside Sale 181, as identified in the
15 final Outer Continental Shelf 5-Year Oil and Gas Leasing
16 Program, 1997–2002.

17 SEC. 110. No funds provided in this title may be ex-
18 pended by the Department of the Interior to conduct oil
19 and natural gas preleasing, leasing and related activities
20 in the Mid-Atlantic and South Atlantic planning areas.

21 SEC. 111. Advance payments made under this title
22 to Indian tribes, tribal organizations, and tribal consortia
23 pursuant to the Indian Self-Determination and Education
24 Assistance Act (25 U.S.C. 450 et seq.) or the Tribally
25 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)

1 may be invested by the Indian tribe, tribal organization,
2 or consortium before such funds are expended for the pur-
3 poses of the grant, compact, or annual funding agreement
4 so long as such funds are—

5 (1) invested by the Indian tribe, tribal organiza-
6 tion, or consortium only in obligations of the United
7 States, or in obligations or securities that are guar-
8 anteed or insured by the United States, or mutual
9 (or other) funds registered with the Securities and
10 Exchange Commission and which only invest in obli-
11 gations of the United States or securities that are
12 guaranteed or insured by the United States; or

13 (2) deposited only into accounts that are in-
14 sured by an agency or instrumentality of the United
15 States, or are fully collateralized to ensure protec-
16 tion of the funds, even in the event of a bank failure.

17 SEC. 112. Notwithstanding any other provisions of
18 law, the National Park Service shall not develop or imple-
19 ment a reduced entrance fee program to accommodate
20 non-local travel through a unit. The Secretary may provide
21 for and regulate local non-recreational passage through
22 units of the National Park System, allowing each unit to
23 develop guidelines and permits for such activity appro-
24 priate to that unit.

1 SEC. 113. Appropriations made in this Act under the
2 headings Bureau of Indian Affairs and Office of Special
3 Trustee for American Indians and any available unobli-
4 gated balances from prior appropriations Acts made under
5 the same headings, shall be available for expenditure or
6 transfer for Indian trust management and reform activi-
7 ties.

8 SEC. 114. Notwithstanding any other provision of
9 law, the Secretary of the Interior hereafter has ongoing
10 authority to negotiate and enter into agreements and
11 leases, without regard to section 321 of chapter 314 of
12 the Act of June 30, 1932 (40 U.S.C. 303b), with any per-
13 son, firm, association, organization, corporation, or gov-
14 ernmental entity, for all or part of the property within
15 Fort Baker administered by the Secretary as part of the
16 Golden Gate National Recreation Area. The proceeds of
17 the agreements or leases shall be retained by the Secretary
18 and such proceeds shall remain available until expended,
19 without further appropriation, for the preservation, res-
20 toration, operation, maintenance, interpretation, public
21 programs, and related expenses of the National Park Serv-
22 ice and nonprofit park partners incurred with respect to
23 Fort Baker properties.

24 SEC. 115. Notwithstanding any other provision of
25 law, for the purpose of reducing the backlog of Indian pro-

1 bate cases in the Department of the Interior, the hearing
2 requirements of chapter 10 of title 25, United States
3 Code, are deemed satisfied by a proceeding conducted by
4 an Indian probate judge, appointed by the Secretary with-
5 out regard to the provisions of title 5, United States Code,
6 governing the appointments in the competitive service, for
7 such period of time as the Secretary determines necessary:
8 *Provided*, That the basic pay of an Indian probate judge
9 so appointed may be fixed by the Secretary without regard
10 to the provisions of chapter 51, and subchapter III of
11 chapter 53 of title 5, United States Code, governing the
12 classification and pay of General Schedule employees, ex-
13 cept that no such Indian probate judge may be paid at
14 a level which exceeds the maximum rate payable for the
15 highest grade of the General Schedule, including locality
16 pay.

17 SEC. 116. Notwithstanding any other provision of
18 law, the Secretary of the Interior is authorized to redis-
19 tribute any Tribal Priority Allocation funds, including
20 tribal base funds, to alleviate tribal funding inequities by
21 transferring funds to address identified, unmet needs,
22 dual enrollment, overlapping service areas or inaccurate
23 distribution methodologies. No tribe shall receive a reduc-
24 tion in Tribal Priority Allocation funds of more than 10
25 percent in fiscal year 2003. Under circumstances of dual

1 enrollment, overlapping service areas or inaccurate dis-
2 tribution methodologies, the 10 percent limitation does not
3 apply.

4 SEC. 117. Funds appropriated for the Bureau of In-
5 dian Affairs for postsecondary schools for fiscal year 2003
6 shall be allocated among the schools proportionate to the
7 unmet need of the schools as determined by the Postsec-
8 ondary Funding Formula adopted by the Office of Indian
9 Education Programs.

10 SEC. 118. (a) The Secretary of the Interior shall take
11 such action as may be necessary to ensure that the lands
12 comprising the Huron Cemetery in Kansas City, Kansas
13 (as described in section 123 of Public Law 106–291) are
14 used only in accordance with this section.

15 (b) The lands of the Huron Cemetery shall be used
16 only: (1) for religious and cultural uses that are compat-
17 ible with the use of the lands as a cemetery; and (2) as
18 a burial ground.

19 SEC. 119. Notwithstanding any other provision of
20 law, in conveying the Twin Cities Research Center under
21 the authority provided by Public Law 104–134, as amend-
22 ed by Public Law 104–208, the Secretary may accept and
23 retain land and other forms of reimbursement: *Provided*,
24 That the Secretary may retain and use any such reim-
25 bursement until expended and without further appropria-

tion: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 120. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is further amended by striking “2002” and inserting “2003”.

SEC. 121. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 122. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2002, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

WHITE RIVER OIL SHALE MINE, UTAH—SALE

SEC. 123. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States

1 in and to the improvements and equipment of the White
2 River Oil Shale Mine.

3 SEC. 124. The Secretary of the Interior may use or
4 contract for the use of helicopters or motor vehicles on
5 the Sheldon and Hart National Wildlife Refuges for the
6 purpose of capturing and transporting horses and burros.
7 The provisions of subsection (a) of the Act of September
8 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be appli-
9 cable to such use. Such use shall be in accordance with
10 humane procedures prescribed by the Secretary.

11 SEC. 125. Funds provided in this Act for Federal
12 land acquisition by the National Park Service for Shen-
13 andoah Valley Battlefields National Historic District, and
14 Ice Age National Scenic Trail may be used for a grant
15 to a State, a local government, or any other governmental
16 land management entity for the acquisition of lands with-
17 out regard to any restriction on the use of Federal land
18 acquisition funds provided through the Land and Water
19 Conservation Fund Act of 1965 as amended.

20 SEC. 126. None of the funds made available by this
21 Act may be obligated or expended by the National Park
22 Service to enter into or implement a concession contract
23 which permits or requires the removal of the underground
24 lunchroom at the Carlsbad Caverns National Park.

1 SEC. 127. None of the funds made available in this
2 Act may be used: (1) to demolish the bridge between Jer-
3 sey City, New Jersey, and Ellis Island; or (2) to prevent
4 pedestrian use of such bridge, when such pedestrian use
5 is consistent with generally accepted safety standards.

6 SEC. 128. None of the funds made available in this
7 or any other Act for any fiscal year may be used to des-
8 ignate, or to post any sign designating, any portion of Ca-
9 naval National Seashore in Brevard County, Florida, as
10 a clothing-optional area or as an area in which public nu-
11 dity is permitted, if such designation would be contrary
12 to county ordinance.

13 SEC. 129. Notwithstanding any other provision of
14 law, the United States Fish and Wildlife Service may use
15 funds appropriated in this Act for incidental expenses re-
16 lated to promoting and celebrating the Centennial of the
17 National Wildlife Refuge System.

18 SEC. 130. The National Park Service may in fiscal
19 year 2003 and thereafter enter into a cooperative agree-
20 ment with and transfer funds to Capital Concerts, a non-
21 profit organization, for the purpose of carrying out pro-
22 grams pursuant to 31 U.S.C. 6305.

23 SEC. 131. No later than 30 days after enactment of
24 this Act, the Secretary of the Interior shall provide to the
25 House and Senate Committees on Appropriations and the

1 House Committee on Resources and the Senate Com-
2 mittee on Indian Affairs a summary of the Ernst and
3 Young report on the historical accounting for the five
4 named plaintiffs in Cobell v. Norton. The summary shall
5 not provide individually identifiable financial information,
6 but shall fully describe the aggregate results of the histor-
7 ical accounting.

8 SEC. 132. None of the funds in this or any other Act
9 for the Department of the Interior or the Department of
10 Justice can be used to compensate the Special Master and
11 the Court Monitor appointed by the United States District
12 Court for the District of Columbia in the Cobell v. Norton
13 litigation at an annual rate that exceeds 200 percent of
14 the highest Senior Executive Service rate of pay for the
15 Washington-Baltimore locality pay area.

16 SEC. 133. Within 90 days of enactment of this Act
17 the Special Trustee for American Indians, in consultation
18 with the Secretary of the Interior and the Tribes, shall
19 appoint new members to the Special Trustee Advisory
20 Board.

21 SEC. 134. The Secretary of the Interior may use dis-
22 cretionary funds to pay private attorneys fees and costs
23 for employees and former employees of the Department
24 of the Interior reasonably incurred in connection with
25 Cobell v. Norton to the extent that such fees and costs

1 are not paid by the Department of Justice or by private
2 insurance. In no case shall the Secretary make payments
3 under this section that would result in payment of hourly
4 fees in excess of the highest hourly rate approved by the
5 District Court for the District of Columbia for counsel in
6 *Cobell v. Norton*.

7 SEC. 135. Section 124(a) of the Department of the
8 Interior and Related Agencies Appropriation Act, 1997
9 (16 U.S.C. 1011 (a)), as amended, is further amended by
10 inserting after the phrase “appropriations made for the
11 Bureau of Land Management” the phrase “including ap-
12 propriations for the Wildland Fire Management account
13 allocated to the National Park Service, Fish and Wildlife
14 Service, and Bureau of Indian Affairs”.

15 SEC. 136. Public Law 107–106 is amended as fol-
16 lows: in section 5(a) strike “9 months after the date of
17 enactment of the Act” and insert in lieu thereof “Sep-
18 tember 30, 2003”.

19 SEC. 137. Notwithstanding any other provision of
20 law, the funds provided in the Labor, Health and Human
21 Services, Education and Related Agencies Appropriations
22 Act of 2002, Public Law 107–116, for the National Mu-
23 seum of African American History and Culture Plan for
24 Action Presidential Commission shall remain available
25 until expended.

1 SEC. 138. Activities of the Restoration, Coordination
2 and Verification team, as described in the final feasibility
3 report and programmatic environmental impact statement
4 for the comprehensive review of the Central and Southern
5 Florida project, shall be directed jointly by the Secretary
6 of the Army, the Secretary of the Interior, and the South
7 Florida Water Management District.

8 SEC. 139. The U.S. Fish and Wildlife Service shall,
9 in carrying out its responsibilities to protect threatened
10 and endangered species of salmon, implement a system of
11 mass marking of salmonid stocks released from Federally
12 operated or Federally financed hatcheries including but
13 not limited to fish releases of the coho, chinook, and
14 steelhead species. The requirements of this section shall
15 not be applicable when the hatchery fish are produced for
16 conservation purposes.

17 SEC. 140. The visitor center at the Bitter Lake Na-
18 tional Wildlife Refuge in New Mexico shall be named for
19 Joseph R. Skeen and, hereafter, shall be referred to in
20 any law, document, or record of the United States as the
21 “Joseph R. Skeen Visitor Center”.

22 **SEC. 141. COMMISSION ON NATIVE AMERICAN POLICY.**

23 (a) ESTABLISHMENT.—Hereafter, there is estab-
24 lished a commission to be known as the “Commission on

1 Native American Policy” (in this section referred to as the
2 “Commission”).

3 (b) MEMBERSHIP.—The Commission shall be com-
4 posed of 13 members appointed for the life of the Commis-
5 sion by the President as follows:

6 (1) A representative from the National Gov-
7 ernors’ Association.

8 (2) A representative from the National Associa-
9 tion of Attorneys General.

10 (3) The Attorney General, or a designee.

11 (4) The Secretary of the Treasury, or a des-
12 ignee.

13 (5) The Secretary of the Interior, or a designee.

14 (6) The Secretary of Commerce, or a designee.

15 (7) The Chairman of the National Indian Gam-
16 ing Commission, or a designee.

17 (8) 2 representatives from Indian tribes that
18 operate Indian gaming facilities.

19 (9) 2 representatives from Indian tribes that do
20 not operate Indian gaming facilities.

21 (10) 1 representative from a unit of local gov-
22 ernment that is located near an Indian gaming facil-
23 ity.

1 (11) 1 representative from the chamber of com-
2 merce of a unit of local government that is located
3 near an Indian gaming facility.

4 (c) VACANCIES.—A vacancy in the Commission shall
5 be filled in the manner in which the original appointment
6 was made.

7 (d) QUORUM.—A majority of the members of the
8 Commission shall constitute a quorum but a lesser number
9 may hold hearings.

10 (e) CHAIRPERSON.—The Chairperson of the Commis-
11 sion shall be elected by the members of the Commission.
12 The term of office of the Chairperson shall be for the life
13 of the Commission.

14 (f) BASIC PAY.—

15 (1) COMPENSATION OF MEMBERS.—Each mem-
16 ber of the Commission who is not an officer or em-
17 ployee of the Federal Government, or whose com-
18 pensation is not precluded by a State, local, or Na-
19 tive American tribal government position, shall be
20 compensated at a rate equal to the daily equivalent
21 of the annual rate of basic pay prescribed for Level
22 IV of the Executive Schedule under section 5315 of
23 title 5, United States Code, for each day (including
24 travel time) during which such member is engaged
25 in the performance of the duties of the Commission.

1 All members of the Commission who are officers or
2 employees of the United States shall serve without
3 compensation in addition to that received for their
4 services as officers or employees of the United
5 States.

6 (2) TRAVEL EXPENSES.—The members of the
7 Commission shall be allowed travel expenses, includ-
8 ing per diem in lieu of subsistence, at rates author-
9 ized for employees of agencies under subchapter I of
10 chapter 57 of title 5, United States Code, while
11 away from their homes or regular places of business
12 in the performance of service for the Commission.

13 (g) HEARINGS AND SESSIONS.—

14 (1) IN GENERAL.—The Commission may, for
15 the purpose of carrying out its duties, hold hearings,
16 sit and act at times and places, take testimony, and
17 receive evidence as the Commission considers appro-
18 priate. The Commission may administer oaths or af-
19 firmations to witnesses appearing before it.

20 (2) WITNESS EXPENSES.—Witnesses requested
21 to appear before the Commission shall be paid the
22 same fees as are paid to witnesses under section
23 1821 of title 28, United States Code. The per diem
24 and mileage allowances for witnesses shall be paid
25 from funds appropriated to the Commission.

1 (h) POWERS OF MEMBERS AND AGENTS.—Any mem-
2 ber or agent of the Commission may, if authorized by the
3 Commission, take any action which the Commission is au-
4 thorized to take by this section.

5 (i) OBTAINING OFFICIAL DATA.—The Commission
6 may secure directly from any department or agency of the
7 United States information necessary to enable it to carry
8 out its duties. Upon request of the Chairperson of the
9 Commission, the head of that department or agency shall
10 furnish that information to the Commission.

11 (j) MAILS.—The Commission may use the United
12 States mails in the same manner and under the same con-
13 ditions as other departments and agencies of the United
14 States.

15 (k) ADMINISTRATIVE SUPPORT SERVICES.—Upon
16 the request of the Commission, the Administrator of Gen-
17 eral Services shall provide to the Commission, on a reim-
18 bursable basis, the administrative support services nec-
19 essary for the Commission to carry out its duties.

20 (l) CONTRACT AUTHORITY.—To the extent or in the
21 amounts provided in advance in appropriation Acts, the
22 Commission may contract with and compensate govern-
23 ment and private agencies or persons for services, without
24 regard to section 3709 of the Revised Statutes (41 U.S.C.
25 5).

(m) STUDY; REPORT.—

(1) STUDY.—Not later than 18 months after funds are first made available for this section, the Commission shall complete a study on the following:

(A) Living standards in Indian country, including health, infrastructure, economic development, educational opportunities, and housing.

(B) The effectiveness of current Federal programs designed to improve living standards in Indian country, including health, infrastructure, economic development, educational opportunities, and housing.

(C) Crime control on Indian reservations.

(D) The influence of non-Native American private investors on the Indian Federal recognition process.

(E) The influence of non-Native American private investors on the establishment and operation Indian gaming facilities.

(F) The influence of organized crime on Indian gaming.

(G) The impact of Indian gaming facilities on local communities, including the impact on economic, environmental, and social issues.

(2) REPORT.—Not later than 6 months after completion of the study required by paragraph (1), the Commission shall submit to Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its legislative recommendations for improving—

(A) the welfare of Native Americans, including health infrastructure, economic development, educational opportunities, and housing;

(B) the relationship between tribal entities and nontribal communities that live in the same area as tribal entities or Indian gaming facilities; and

(C) regulations that govern tribal gaming to reduce the potential for crime and exploitation of Indians and Indian tribes.

(n) TERMINATION.—The Commission shall terminate 30 days after submitting its final report pursuant to this section.

(o) FUNDING.—Of the amount appropriated in this Act for “BUREAU OF INDIAN AFFAIRS—OPERATION OF INDIAN PROGRAMS”, \$200,000 shall be available to carry out this section.

TITLE II—RELATED AGENCIES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$252,000,000 to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management including treatments of pests, pathogens and invasive or noxious plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$279,828,000, to remain available until expended, as authorized by law, of which \$60,000,000 is for the Forest Legacy Program, to be derived from the land and water conservation fund; \$36,235,000 is for the Urban and Community Forestry Program, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropria-

1 tions, in writing, of specific acquisition of lands or inter-
2 ests in lands to be undertaken with such funds: *Provided*
3 *further*, That each forest legacy grant shall be for a spe-
4 cific project: *Provided further*, That a grant shall not be
5 released to a State unless the Secretary determines that
6 the State has demonstrated that 25 percent of the total
7 value of the project is comprised of a non-Federal cost
8 share.

9

NATIONAL FOREST SYSTEM

10 For necessary expenses of the Forest Service, not
11 otherwise provided for, for management, protection, im-
12 provement, and utilization of the National Forest System,
13 \$1,370,567,000, to remain available until expended, which
14 shall include 50 percent of all moneys received during
15 prior fiscal years as fees collected under the Land and
16 Water Conservation Fund Act of 1965, as amended, in
17 accordance with section 4 of the Act (16 U.S.C. 460l-
18 6a(i)): *Provided*, That unobligated balances available at
19 the start of fiscal year 2003 shall be displayed by budget
20 line item in the fiscal year 2004 budget justification: *Pro-*
21 *vided further*, That the Secretary may authorize the ex-
22 penditure or transfer of such sums as necessary to the
23 Department of the Interior, Bureau of Land Management
24 for removal, preparation, and adoption of excess wild
25 horses and burros from National Forest System lands.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$1,513,449,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2002 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropria-

tion, are also available in the utilization of these funds for the Joint Fire Science Program: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, \$640,000,000 is for preparedness, \$420,699,000 is for wildfire suppression operations, \$228,109,000 is for hazardous fuel treatment, \$63,000,000 is for rehabilitation and restoration, \$20,376,000 is for capital improvement and maintenance of fire facilities, \$27,265,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$58,000,000 is for state fire assistance, \$8,500,000 is for volunteer fire assistance, \$27,000,000 is for forest health activities on State, private, and Federal lands, and \$12,500,000 is for economic action programs: *Provided further*, That amounts in this paragraph may be transferred to the “State and Private Forestry”, “National Forest System”, “Forest and Rangeland Research”, and “Capital Improvement and Maintenance” accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed man-

1 agement, heritage site rehabilitation, wildlife and fish
2 habitat management, trails and facilities maintenance and
3 restoration: *Provided further*, That transfers of any
4 amounts in excess of those authorized in this paragraph,
5 shall require approval of the House and Senate Commit-
6 tees on Appropriations in compliance with reprogramming
7 procedures contained in House Report No. 105–163: *Pro-*
8 *vided further*, That the costs of implementing any coopera-
9 tive agreement between the Federal Government and any
10 non-Federal entity may be shared, as mutually agreed on
11 by the affected parties: *Provided further*, That in entering
12 into such grants or cooperative agreements, the Secretary
13 may consider the enhancement of local and small business
14 employment opportunities for rural communities, and that
15 in entering into procurement contracts under this section
16 on a best value basis, the Secretary may take into account
17 the ability of an entity to enhance local and small business
18 employment opportunities in rural communities, and that
19 the Secretary may award procurement contracts, grants,
20 or cooperative agreements under this section to entities
21 that include local non-profit entities, Youth Conservation
22 Corps or related partnerships with State, local or non-
23 profit youth groups, or small or disadvantaged businesses:
24 *Provided further*, That in addition to funds provided for
25 State Fire Assistance programs, and subject to all au-

1 thorities available to the Forest Service under the State
2 and Private Forestry Appropriations, up to \$15,000,000
3 may be used on adjacent non-Federal lands for the pur-
4 pose of protecting communities when hazard reduction ac-
5 tivities are planned on national forest lands that have the
6 potential to place such communities at risk: *Provided fur-*
7 *ther*, That included in funding for hazardous fuel reduc-
8 tion is \$5,000,000 for implementing the Community For-
9 est Restoration Act, Public Law 106–393, title VI, and
10 any portion of such funds shall be available for use on
11 non-Federal lands in accordance with authorities available
12 to the Forest Service under the State and Private Forestry
13 Appropriation: *Provided further*, That in expending the
14 funds provided with respect to this Act for hazardous fuels
15 reduction, the Secretary of the Interior and the Secretary
16 of Agriculture may conduct fuel reduction treatments on
17 Federal lands using all contracting and hiring authorities
18 available to the Secretaries applicable to hazardous fuel
19 reduction activities under the wildland fire management
20 accounts: *Provided further*, That notwithstanding Federal
21 Government procurement and contracting laws, the Secre-
22 taries may conduct fuel reduction treatments, rehabilita-
23 tion and restoration, and other activities authorized under
24 this heading on and adjacent to Federal lands using
25 grants and cooperative agreements: *Provided further*, That

1 notwithstanding Federal Government procurement and
2 contracting laws, in order to provide employment and
3 training opportunities to people in rural communities, the
4 Secretaries may award contracts, including contracts for
5 monitoring activities, to local private, nonprofit, or cooper-
6 ative entities; Youth Conservation Corps crews or related
7 partnerships, with State, local and non-profit youth
8 groups; small or micro-businesses; or other entities that
9 will hire or train a significant percentage of local people
10 to complete such contracts: *Provided further*, That the au-
11 thorities described above relating to contracts, grants, and
12 cooperative agreements are available until all funds pro-
13 vided in this title for hazardous fuels reduction activities
14 in the urban wildland interface are obligated: *Provided fur-*
15 *ther*, That the Secretary of Agriculture may transfer or
16 reimburse funds, not to exceed \$7,000,000, to the United
17 States Fish and Wildlife Service of the Department of the
18 Interior, or the National Marine Fisheries Service of the
19 Department of Commerce, for the costs of carrying out
20 their responsibilities under the Endangered Species Act of
21 1973 (16 U.S.C. 1531 et seq.) to consult and conference
22 as required by section 7 of such Act in connection with
23 wildland fire management activities in fiscal years 2002
24 and 2003: *Provided further*, That the amount of the trans-
25 fer of reimbursement shall be as mutually agreed by the

1 Secretary of Agriculture and the Secretary of the Interior
2 or Secretary of Commerce, as applicable, or their des-
3 ignees. The amount shall in no case exceed the actual costs
4 of consultation and conferencing in connection with
5 wildland fire management activities affecting National
6 Forest System lands.

7 For an additional amount for “Wildland Fire Man-
8 agement”, \$500,000,000, for the cost of fire suppression
9 activities carried out by the Forest Service and other Fed-
10 eral agencies related to the 2002 fire season, including re-
11 imbursement of funds borrowed from other Department
12 of Agriculture programs to fight such fires: *Provided*, That
13 the entire amount shall be available only to the extent an
14 official budget request, that includes designation of the en-
15 tire amount of the request as an emergency requirement
16 as defined in the Balanced Budget and Emergency Deficit
17 Control Act of 1985, as amended, is transmitted by the
18 President to the Congress: *Provided further*, That the en-
19 tire amount is designated by the Congress as an emer-
20 gency requirement pursuant to section 251(b)(2)(A) of
21 such Act.

22 CAPITAL IMPROVEMENT AND MAINTENANCE

23 For necessary expenses of the Forest Service, not
24 otherwise provided for, \$572,731,000, to remain available
25 until expended for construction, reconstruction, mainte-
26 nance, and acquisition of buildings and other facilities,

1 and for construction, reconstruction, repair, and mainte-
2 nance of forest roads and trails by the Forest Service as
3 authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and
4 205, of which, \$64,866,000 is for conservation activities
5 defined in section 250(c)(4)(E) of the Balanced Budget
6 and Emergency Deficit Control Act of 1985, as amended,
7 for the purposes of such Act: *Provided further*, That up
8 to \$15,000,000 of the funds provided herein for road
9 maintenance shall be available for the decommissioning of
10 roads, including unauthorized roads not part of the trans-
11 portation system, which are no longer needed: *Provided*
12 *further*, That no funds shall be expended to decommission
13 any system road until notice and an opportunity for public
14 comment has been provided on each decommissioning
15 project.

16 LAND ACQUISITION

17 For expenses necessary to carry out the provisions
18 of the Land and Water Conservation Fund Act of 1965,
19 as amended (16 U.S.C. 460l–4 through 11), including ad-
20 ministrative expenses, and for acquisition of land or wa-
21 ters, or interest therein, in accordance with statutory au-
22 thority applicable to the Forest Service, \$146,336,000, to
23 be derived from the Land and Water Conservation Fund,
24 to remain available until expended, and to be for the con-
25 servation activities defined in section 250(c)(4)(E) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985, as amended, for the purposes of such Act.

3 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
4 ACTS

5 For acquisition of lands within the exterior bound-
6 aries of the Cache, Uinta, and Wasatch National Forests,
7 Utah; the Toiyabe National Forest, Nevada; and the An-
8 geles, San Bernardino, Sequoia, and Cleveland National
9 Forests, California, as authorized by law, \$1,069,000, to
10 be derived from forest receipts.

11 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

12 For acquisition of lands, such sums, to be derived
13 from funds deposited by State, county, or municipal gov-
14 ernments, public school districts, or other public school au-
15 thorities pursuant to the Act of December 4, 1967, as
16 amended (16 U.S.C. 484a), to remain available until ex-
17 pended.

18 RANGE BETTERMENT FUND

19 For necessary expenses of range rehabilitation, pro-
20 tection, and improvement, 50 percent of all moneys re-
21 ceived during the prior fiscal year, as fees for grazing do-
22 mestic livestock on lands in National Forests in the 16
23 Western States, pursuant to section 401(b)(1) of Public
24 Law 94-579, as amended, to remain available until ex-
25 pended, of which not to exceed 6 percent shall be available

1 for administrative expenses associated with on-the-ground
2 range rehabilitation, protection, and improvements.

3 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
4 RANGELAND RESEARCH

5 For expenses authorized by 16 U.S.C. 1643(b),
6 \$92,000, to remain available until expended, to be derived
7 from the fund established pursuant to the above Act.

8 MANAGEMENT OF NATIONAL FOREST LANDS FOR
9 SUBSISTENCE USES

10 For necessary expenses of the Forest Service to man-
11 age federal lands in Alaska for subsistence uses under title
12 VIII of the Alaska National Interest Lands Conservation
13 Act (Public Law 96–487), \$5,542,000, to remain available
14 until expended.

15 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

16 Appropriations to the Forest Service for the current
17 fiscal year shall be available for: (1) purchase of not to
18 exceed 113 passenger motor vehicles, of which 10 will be
19 used primarily for law enforcement purposes and of which
20 113 shall be for replacement; acquisition of 25 passenger
21 motor vehicles from excess sources, and hire of such vehi-
22 cles; operation and maintenance of aircraft, the purchase
23 of not to exceed seven for replacement only, and acquisi-
24 tion of sufficient aircraft from excess sources to maintain
25 the operable fleet at 195 aircraft for use in Forest Service
26 wildland fire programs and other Forest Service programs;

1 notwithstanding other provisions of law, existing aircraft
2 being replaced may be sold, with proceeds derived or
3 trade-in value used to offset the purchase price for the
4 replacement aircraft; (2) services pursuant to 7 U.S.C.
5 2225, and not to exceed \$100,000 for employment under
6 5 U.S.C. 3109; (3) purchase, erection, and alteration of
7 buildings and other public improvements (7 U.S.C. 2250);
8 (4) acquisition of land, waters, and interests therein, pur-
9 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
10 Volunteers in the National Forest Act of 1972 (16 U.S.C.
11 558a, 558d, and 558a note); (6) the cost of uniforms as
12 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
13 lection contracts in accordance with 31 U.S.C. 3718(c).

14 Any appropriations or funds available to the Forest
15 Service may be transferred to the Wildland Fire Manage-
16 ment appropriation for forest firefighting, emergency re-
17 habilitation of burned-over or damaged lands or waters
18 under its jurisdiction, and fire preparedness due to severe
19 burning conditions if and only if all previously appro-
20 priated emergency contingent funds under the heading
21 “Wildland Fire Management” have been released by the
22 President and apportioned and all funds under the head-
23 ing “Wildland Fire Management” are obligated.

24 Funds appropriated to the Forest Service shall be
25 available for assistance to or through the Agency for Inter-

1 national Development and the Foreign Agricultural Serv-
2 ice in connection with forest and rangeland research, tech-
3 nical information, and assistance in foreign countries, and
4 shall be available to support forestry and related natural
5 resource activities outside the United States and its terri-
6 tories and possessions, including technical assistance, edu-
7 cation and training, and cooperation with United States
8 and international organizations.

9 None of the funds made available to the Forest Serv-
10 ice under this Act shall be subject to transfer under the
11 provisions of section 702(b) of the Department of Agri-
12 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
13 147b unless the proposed transfer is approved in advance
14 by the House and Senate Committees on Appropriations
15 in compliance with the reprogramming procedures con-
16 tained in House Report No. 105–163.

17 None of the funds available to the Forest Service may
18 be reprogrammed without the advance approval of the
19 House and Senate Committees on Appropriations in ac-
20 cordance with the procedures contained in House Report
21 No. 105–163.

22 No funds available to the Forest Service shall be
23 transferred to the Working Capital Fund of the Depart-
24 ment of Agriculture that exceed the total amount trans-
25 ferred during fiscal year 2000 for such purposes without

1 the advance approval of the House and Senate Committees
2 on Appropriations.

3 Funds available to the Forest Service shall be avail-
4 able to conduct a program of not less than \$2,000,000
5 for high priority projects within the scope of the approved
6 budget which shall be carried out by the Youth Conserva-
7 tion Corps, defined in section 250(c)(4)(E) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985,
9 as amended, for the purposes of such Act.

10 Of the funds available to the Forest Service, \$2,500
11 is available to the Chief of the Forest Service for official
12 reception and representation expenses.

13 Pursuant to sections 405(b) and 410(b) of Public
14 Law 101–593, of the funds available to the Forest Service,
15 up to \$2,500,000 may be advanced in a lump sum as Fed-
16 eral financial assistance to the National Forest Founda-
17 tion, without regard to when the Foundation incurs ex-
18 penses, for administrative expenses or projects on or bene-
19 fitting National Forest System lands or related to Forest
20 Service programs: *Provided*, That of the Federal funds
21 made available to the Foundation, no more than \$300,000
22 shall be available for administrative expenses: *Provided*
23 *further*, That the Foundation shall obtain, by the end of
24 the period of Federal financial assistance, private con-
25 tributions to match on at least one-for-one basis funds

1 made available by the Forest Service: *Provided further*,
2 That the Foundation may transfer Federal funds to a
3 non-Federal recipient for a project at the same rate that
4 the recipient has obtained the non-Federal matching
5 funds: *Provided further*, That authorized investments of
6 Federal funds held by the Foundation may be made only
7 in interest-bearing obligations of the United States or in
8 obligations guaranteed as to both principal and interest
9 by the United States.

10 Pursuant to section 2(b)(2) of Public Law 98–244,
11 \$2,650,000 of the funds available to the Forest Service
12 shall be available for matching funds to the National Fish
13 and Wildlife Foundation, as authorized by 16 U.S.C.
14 3701–3709, and may be advanced in a lump sum as Fed-
15 eral financial assistance, without regard to when expenses
16 are incurred, for projects on or benefitting National For-
17 est System lands or related to Forest Service programs:
18 *Provided*, That the Foundation shall obtain, by the end
19 of the period of Federal financial assistance, private con-
20 tributions to match on at least one-for-one basis funds ad-
21 vanced by the Forest Service: *Provided further*, That the
22 Foundation may transfer Federal funds to a non-Federal
23 recipient for a project at the same rate that the recipient
24 has obtained the non-Federal matching funds.

1 Funds appropriated to the Forest Service shall be
2 available for interactions with and providing technical as-
3 sistance to rural communities for sustainable rural devel-
4 opment purposes.

5 Notwithstanding any other provision of law, 80 per-
6 cent of the funds appropriated to the Forest Service in
7 the “National Forest System” and “Capital Improvement
8 and Maintenance” accounts and planned to be allocated
9 to activities under the “Jobs in the Woods” program for
10 projects on National Forest land in the State of Wash-
11 ington may be granted directly to the Washington State
12 Department of Fish and Wildlife for accomplishment of
13 planned projects. Twenty percent of said funds shall be
14 retained by the Forest Service for planning and admin-
15 istering projects. Project selection and prioritization shall
16 be accomplished by the Forest Service with such consulta-
17 tion with the State of Washington as the Forest Service
18 deems appropriate.

19 Funds appropriated to the Forest Service shall be
20 available for payments to counties within the Columbia
21 River Gorge National Scenic Area, pursuant to sections
22 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
23 663.

24 For fiscal years 2003 through 2007, the Secretary
25 of Agriculture is authorized to enter into grants, con-

1 tracts, and cooperative agreements as appropriate with the
2 Pinchot Institute for Conservation, as well as with public
3 and other private agencies, organizations, institutions, and
4 individuals, to provide for the development, administra-
5 tion, maintenance, or restoration of land, facilities, or For-
6 est Service programs, at the Grey Towers National His-
7 toric Landmark: *Provided*, That, subject to such terms
8 and conditions as the Secretary of Agriculture may pre-
9 scribe, any such public or private agency, organization, in-
10 stitution, or individual may solicit, accept, and administer
11 private gifts of money and real or personal property for
12 the benefit of, or in connection with, the activities and
13 services at the Grey Towers National Historic Landmark:
14 *Provided further*, That such gifts may be accepted notwith-
15 standing the fact that a donor conducts business with the
16 Department of Agriculture in any capacity.

17 Funds appropriated to the Forest Service shall be
18 available, as determined by the Secretary, for payments
19 to Del Norte County, California, pursuant to sections
20 13(e) and 14 of the Smith River National Recreation Area
21 Act (Public Law 101–612).

22 Notwithstanding any other provision of law, any ap-
23 propriations or funds available to the Forest Service not
24 to exceed \$500,000 may be used to reimburse the Office
25 of the General Counsel (OGC), Department of Agri-

culture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed \$750,000.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, \$50,000,000 shall not be available until October 1, 2003: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public

1 Law 95–91), including the acquisition of interest, includ-
2 ing defeasible and equitable interests in any real property
3 or any facility or for plant or facility acquisition or expan-
4 sion, and for conducting inquiries, technological investiga-
5 tions and research concerning the extraction, processing,
6 use, and disposal of mineral substances without objection-
7 able social and environmental costs (30 U.S.C. 3, 1602,
8 and 1603), \$664,205,000, to remain available until ex-
9 pended, of which \$11,000,000 is for construction, renova-
10 tion, furnishing, and demolition or removal of buildings
11 at National Energy Technology Laboratory facilities in
12 Morgantown, West Virginia and Pittsburgh, Pennsylvania;
13 and for acquisition of lands, and interests therein, in prox-
14 imity to the National Energy Technology Laboratory, and
15 of which \$150,000,000 are to be made available, after co-
16 ordination with the private sector, for a request for pro-
17 posals for a Clean Coal Power Initiative providing for com-
18 petitively-awarded demonstrations of commercial scale
19 technologies to reduce the barriers to continued and ex-
20 panded coal use: *Provided*, That no project may be se-
21 lected for which sufficient funding is not available to pro-
22 vide for the total project: *Provided further*, That funds
23 shall be expended in accordance with the provisions gov-
24 erning the use of funds contained under the heading
25 “Clean Coal Technology” in prior appropriations: *Pro-*

1 *vided further*, That the Department may include provisions
2 for repayment of Government contributions to individual
3 projects in an amount up to the Government contribution
4 to the project on terms and conditions that are acceptable
5 to the Department, including repayments from sale and
6 licensing of technologies from both domestic and foreign
7 transactions: *Provided further*, That such repayments shall
8 be retained by the Department for future coal-related re-
9 search, development and demonstration projects: *Provided*
10 *further*, That any technology selected under this program
11 shall be considered a Clean Coal Technology, and any
12 project selected under this program shall be considered a
13 Clean Coal Technology Project, for the purposes of 42
14 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40
15 of the Code of Federal Regulations: *Provided further*, That
16 no part of the sum herein made available shall be used
17 for the field testing of nuclear explosives in the recovery
18 of oil and gas: *Provided further*, That up to 4 percent of
19 program direction funds available to the National Energy
20 Technology Laboratory may be used to support Depart-
21 ment of Energy activities not included in this account.

22 NAVAL PETROLEUM AND OIL SHALE RESERVES

23 For expenses necessary to carry out naval petroleum
24 and oil shale reserve activities, \$20,831,000, to remain
25 available until expended: *Provided*, That, notwithstanding
26 any other provision of law, unobligated funds remaining

1 from prior years shall be available for all naval petroleum
2 and oil shale reserve activities.

3 ELK HILLS SCHOOL LANDS FUND

4 For necessary expenses in fulfilling installment pay-
5 ments under the Settlement Agreement entered into by
6 the United States and the State of California on October
7 11, 1996, as authorized by section 3415 of Public Law
8 104–106, \$36,000,000, to become available on October 1,
9 2003 for payment to the State of California for the State
10 Teachers' Retirement Fund from the Elk Hills School
11 Lands Fund.

12 ENERGY CONSERVATION

13 For necessary expenses in carrying out energy con-
14 servation activities, \$984,653,000, to remain available
15 until expended: *Provided*, That \$300,000,000 shall be for
16 use in energy conservation grant programs as defined in
17 section 3008(3) of Public Law 99–509 (15 U.S.C. 4507):
18 *Provided further*, That notwithstanding section 3003(d)(2)
19 of Public Law 99–509, such sums shall be allocated to
20 the eligible programs as follows: \$250,000,000 for weath-
21 erization assistance grants and \$50,000,000 for State en-
22 ergy conservation grants.

23 ECONOMIC REGULATION

24 For necessary expenses in carrying out the activities
25 of the Office of Hearings and Appeals, \$1,487,000, to re-
26 main available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$175,856,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$7,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, \$8,000,000 to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$80,611,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the

1 General Services Administration for security guard serv-
2 ices.

3 From appropriations under this Act, transfers of
4 sums may be made to other agencies of the Government
5 for the performance of work for which the appropriation
6 is made.

7 None of the funds made available to the Department
8 of Energy under this Act shall be used to implement or
9 finance authorized price support or loan guarantee pro-
10 grams unless specific provision is made for such programs
11 in an appropriations Act.

12 The Secretary is authorized to accept lands, build-
13 ings, equipment, and other contributions from public and
14 private sources and to prosecute projects in cooperation
15 with other agencies, Federal, State, private or foreign:
16 *Provided*, That revenues and other moneys received by or
17 for the account of the Department of Energy or otherwise
18 generated by sale of products in connection with projects
19 of the Department appropriated under this Act may be
20 retained by the Secretary of Energy, to be available until
21 expended, and used only for plant construction, operation,
22 costs, and payments to cost-sharing entities as provided
23 in appropriate cost-sharing contracts or agreements: *Pro-*
24 *vided further*, That the remainder of revenues after the
25 making of such payments shall be covered into the Treas-

1 ury as miscellaneous receipts: *Provided further*, That any
2 contract, agreement, or provision thereof entered into by
3 the Secretary pursuant to this authority shall not be exe-
4 cuted prior to the expiration of 30 calendar days (not in-
5 cluding any day in which either House of Congress is not
6 in session because of adjournment of more than 3 calendar
7 days to a day certain) from the receipt by the Speaker
8 of the House of Representatives and the President of the
9 Senate of a full comprehensive report on such project, in-
10 cluding the facts and circumstances relied upon in support
11 of the proposed project.

12 No funds provided in this Act may be expended by
13 the Department of Energy to prepare, issue, or process
14 procurement documents for programs or projects for
15 which appropriations have not been made.

16 In addition to other authorities set forth in this Act,
17 the Secretary may accept fees and contributions from pub-
18 lic and private sources, to be deposited in a contributed
19 funds account, and prosecute projects using such fees and
20 contributions in cooperation with other Federal, State or
21 private agencies or concerns.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH SERVICES

5 For expenses necessary to carry out the Act of Au-
6 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
7 tion Act, the Indian Health Care Improvement Act, and
8 titles II and III of the Public Health Service Act with re-
9 spect to the Indian Health Service, \$2,508,756,000, to-
10 gether with payments received during the fiscal year pur-
11 suant to 42 U.S.C. 238(b) for services furnished by the
12 Indian Health Service: *Provided*, That funds made avail-
13 able to tribes and tribal organizations through contracts,
14 grant agreements, or any other agreements or compacts
15 authorized by the Indian Self-Determination and Edu-
16 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
17 deemed to be obligated at the time of the grant or contract
18 award and thereafter shall remain available to the tribe
19 or tribal organization without fiscal year limitation: *Pro-*
20 *vided further*, That \$15,000,000 shall remain available
21 until expended, for the Indian Catastrophic Health Emer-
22 gency Fund: *Provided further*, That \$468,130,000 for con-
23 tract medical care shall remain available for obligation
24 until September 30, 2004: *Provided further*, That of the
25 funds provided, up to \$25,000,000 shall be used to carry

1 out the loan repayment program under section 108 of the
2 Indian Health Care Improvement Act: *Provided further*,
3 That funds provided in this Act may be used for 1-year
4 contracts and grants which are to be performed in 2 fiscal
5 years, so long as the total obligation is recorded in the
6 year for which the funds are appropriated: *Provided fur-*
7 *ther*, That the amounts collected by the Secretary of
8 Health and Human Services under the authority of title
9 IV of the Indian Health Care Improvement Act shall re-
10 main available until expended for the purpose of achieving
11 compliance with the applicable conditions and require-
12 ments of titles XVIII and XIX of the Social Security Act
13 (exclusive of planning, design, or construction of new fa-
14 cilities): *Provided further*, That funding contained herein,
15 and in any earlier appropriations Acts for scholarship pro-
16 grams under the Indian Health Care Improvement Act
17 (25 U.S.C. 1613) shall remain available for obligation
18 until September 30, 2004: *Provided further*, That amounts
19 received by tribes and tribal organizations under title IV
20 of the Indian Health Care Improvement Act shall be re-
21 ported and accounted for and available to the receiving
22 tribes and tribal organizations until expended: *Provided*
23 *further*, That, notwithstanding any other provision of law,
24 of the amounts provided herein, not to exceed
25 \$270,734,000 shall be for payments to tribes and tribal

1 organizations for contract or grant support costs associ-
2 ated with contracts, grants, self-governance compacts or
3 annual funding agreements between the Indian Health
4 Service and a tribe or tribal organization pursuant to the
5 Indian Self-Determination Act of 1975, as amended, prior
6 to or during fiscal year 2003, of which not to exceed
7 \$2,500,000 may be used for contract support costs associ-
8 ated with new or expanded self-determination contracts,
9 grants, self-governance compacts or annual funding agree-
10 ments: *Provided further*, That funds available for the In-
11 dian Health Care Improvement Fund may be used, as
12 needed, to carry out activities typically funded under the
13 Indian Health Facilities account.

14 INDIAN HEALTH FACILITIES

15 For construction, repair, maintenance, improvement,
16 and equipment of health and related auxiliary facilities,
17 including quarters for personnel; preparation of plans,
18 specifications, and drawings; acquisition of sites, purchase
19 and erection of modular buildings, and purchases of trail-
20 ers; and for provision of domestic and community sanita-
21 tion facilities for Indians, as authorized by section 7 of
22 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
23 Self-Determination Act, and the Indian Health Care Im-
24 provement Act, and for expenses necessary to carry out
25 such Acts and titles II and III of the Public Health Serv-
26 ice Act with respect to environmental health and facilities

1 support activities of the Indian Health Service,
2 \$391,865,000, to remain available until expended: *Pro-*
3 *vided*, That notwithstanding any other provision of law,
4 funds appropriated for the planning, design, construction
5 or renovation of health facilities for the benefit of an In-
6 dian tribe or tribes may be used to purchase land for sites
7 to construct, improve, or enlarge health or related facili-
8 ties: *Provided further*, That from the funds appropriated
9 herein, \$5,000,000 shall be designated by the Indian
10 Health Service as a contribution to the Yukon-Kuskokwim
11 Health Corporation (YKHC) to continue a priority project
12 for the acquisition of land, planning, design and construc-
13 tion of 79 staff quarters in the Bethel service area, pursu-
14 ant to the negotiated project agreement between the
15 YKHC and the Indian Health Service: *Provided further*,
16 That this project shall not be subject to the construction
17 provisions of the Indian Self-Determination and Edu-
18 cation Assistance Act and shall be removed from the In-
19 dian Health Service priority list upon completion: *Provided*
20 *further*, That the Federal Government shall not be liable
21 for any property damages or other construction claims
22 that may arise from YKHC undertaking this project: *Pro-*
23 *vided further*, That the land shall be owned or leased by
24 the YKHC and title to quarters shall remain vested with
25 the YKHC: *Provided further*, That not to exceed \$500,000

1 shall be used by the Indian Health Service to purchase
2 TRANSAM equipment from the Department of Defense
3 for distribution to the Indian Health Service and tribal
4 facilities: *Provided further*, That not to exceed \$500,000
5 shall be used by the Indian Health Service to obtain ambu-
6 lances for the Indian Health Service and tribal facilities
7 in conjunction with an existing interagency agreement be-
8 tween the Indian Health Service and the General Services
9 Administration: *Provided further*, That not to exceed
10 \$500,000 shall be placed in a Demolition Fund, available
11 until expended, to be used by the Indian Health Service
12 for demolition of Federal buildings: *Provided further*, That
13 notwithstanding the provisions of title III, section 306, of
14 the Indian Health Care Improvement Act (Public Law 94–
15 437, as amended), construction contracts authorized
16 under title I of the Indian Self-Determination and Edu-
17 cation Assistance Act of 1975, as amended, may be used
18 rather than grants to fund small ambulatory facility con-
19 struction projects: *Provided further*, That if a contract is
20 used, the IHS is authorized to improve municipal, private,
21 or tribal lands, and that at no time, during construction
22 or after completion of the project will the Federal Govern-
23 ment have any rights or title to any real or personal prop-
24 erty acquired as a part of the contract: *Provided further*,
25 That notwithstanding any other provision of law or regula-

tion, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal

1 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
2 be credited to the account of the facility providing the
3 service and shall be available without fiscal year limitation.
4 Notwithstanding any other law or regulation, funds trans-
5 ferred from the Department of Housing and Urban Devel-
6 opment to the Indian Health Service shall be administered
7 under Public Law 86–121 (the Indian Sanitation Facili-
8 ties Act) and Public Law 93–638, as amended.

9 Funds appropriated to the Indian Health Service in
10 this Act, except those used for administrative and program
11 direction purposes, shall not be subject to limitations di-
12 rected at curtailing Federal travel and transportation.

13 Notwithstanding any other provision of law, funds
14 previously or herein made available to a tribe or tribal or-
15 ganization through a contract, grant, or agreement au-
16 thorized by title I or title III of the Indian Self-Determina-
17 tion and Education Assistance Act of 1975 (25 U.S.C.
18 450), may be deobligated and reobligated to a self-deter-
19 mination contract under title I, or a self-governance agree-
20 ment under title III of such Act and thereafter shall re-
21 main available to the tribe or tribal organization without
22 fiscal year limitation.

23 None of the funds made available to the Indian
24 Health Service in this Act shall be used to implement the
25 final rule published in the Federal Register on September

1 16, 1987, by the Department of Health and Human Serv-
2 ices, relating to the eligibility for the health care services
3 of the Indian Health Service until the Indian Health Serv-
4 ice has submitted a budget request reflecting the increased
5 costs associated with the proposed final rule, and such re-
6 quest has been included in an appropriations Act and en-
7 acted into law.

8 Funds made available in this Act are to be appor-
9 tioned to the Indian Health Service as appropriated in this
10 Act, and accounted for in the appropriation structure set
11 forth in this Act.

12 With respect to functions transferred by the Indian
13 Health Service to tribes or tribal organizations, the Indian
14 Health Service is authorized to provide goods and services
15 to those entities, on a reimbursable basis, including pay-
16 ment in advance with subsequent adjustment. The reim-
17 bursements received therefrom, along with the funds re-
18 ceived from those entities pursuant to the Indian Self-De-
19 termination Act, may be credited to the same or subse-
20 quent appropriation account which provided the funding.
21 Such amounts shall remain available until expended.

22 Reimbursements for training, technical assistance, or
23 services provided by the Indian Health Service will contain
24 total costs, including direct, administrative, and overhead

1 associated with the provision of goods, services, or tech-
2 nical assistance.

3 The appropriation structure for the Indian Health
4 Service may not be altered without advance approval of
5 the House and Senate Committees on Appropriations.

6 OTHER RELATED AGENCIES

7 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of Navajo and
10 Hopi Indian Relocation as authorized by Public Law 93–
11 531, \$14,491,000, to remain available until expended:
12 *Provided*, That funds provided in this or any other appro-
13 priations Act are to be used to relocate eligible individuals
14 and groups including evictees from District 6, Hopi-parti-
15 tioned lands residents, those in significantly substandard
16 housing, and all others certified as eligible and not in-
17 cluded in the preceding categories: *Provided further*, That
18 none of the funds contained in this or any other Act may
19 be used by the Office of Navajo and Hopi Indian Reloca-
20 tion to evict any single Navajo or Navajo family who, as
21 of November 30, 1985, was physically domiciled on the
22 lands partitioned to the Hopi Tribe unless a new or re-
23 placement home is provided for such household: *Provided*
24 *further*, That no relocatee will be provided with more than
25 one new or replacement home: *Provided further*, That the

1 Office shall relocate any certified eligible relocatees who
2 have selected and received an approved homesite on the
3 Navajo reservation or selected a replacement residence off
4 the Navajo reservation or on the land acquired pursuant
5 to 25 U.S.C. 640d–10.

6 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
7 CULTURE AND ARTS DEVELOPMENT
8 PAYMENT TO THE INSTITUTE

9 For payment to the Institute of American Indian and
10 Alaska Native Culture and Arts Development, as author-
11 ized by title XV of Public Law 99–498, as amended (20
12 U.S.C. 56 part A), \$5,130,000, of which \$1,000,000 shall
13 remain available until expended for construction of the Li-
14 brary Technology Center.

15 SMITHSONIAN INSTITUTION
16 SALARIES AND EXPENSES
17 (INCLUDING RESCISSION)

18 For necessary expenses of the Smithsonian Institu-
19 tion, as authorized by law, including research in the fields
20 of art, science, and history; development, preservation, and
21 documentation of the National Collections; presentation of
22 public exhibits and performances; collection, preparation,
23 dissemination, and exchange of information and publica-
24 tions; conduct of education, training, and museum assist-
25 ance programs; maintenance, alteration, operation, lease
26 (for terms not to exceed 30 years), and protection of build-

1 ings, facilities, and approaches; not to exceed \$100,000
2 for services as authorized by 5 U.S.C. 3109; up to five
3 replacement passenger vehicles; purchase, rental, repair,
4 and cleaning of uniforms for employees, \$450,760,000, of
5 which not to exceed \$41,884,000 for the instrumentation
6 program, collections acquisition, exhibition reinstallation,
7 the National Museum of the American Indian, security im-
8 provements, and the repatriation of skeletal remains pro-
9 gram shall remain available until expended, and including
10 such funds as may be necessary to support American over-
11 seas research centers and a total of \$125,000 for the
12 Council of American Overseas Research Centers: *Provided*,
13 That funds appropriated herein are available for advance
14 payments to independent contractors performing research
15 services or participating in official Smithsonian presen-
16 tations: *Provided further*, That the Smithsonian Institu-
17 tion may expend Federal appropriations designated in this
18 Act for lease or rent payments for long term and swing
19 space, as rent payable to the Smithsonian Institution, and
20 such rent payments may be deposited into the general
21 trust funds of the Institution to the extent that federally
22 supported activities are housed in the 900 H Street, N.W.
23 building in the District of Columbia: *Provided further*,
24 That this use of Federal appropriations shall not be con-
25 strued as debt service, a Federal guarantee of, a transfer

1 of risk to, or an obligation of, the Federal Government:
2 *Provided further*, That no appropriated funds may be used
3 to service debt which is incurred to finance the costs of
4 acquiring the 900 H Street building or of planning, de-
5 signing, and constructing improvements to such building.

6 From unobligated balances of prior year appropria-
7 tions \$14,100,000 is rescinded.

8 REPAIR, RESTORATION AND ALTERATION OF FACILITIES

9 For necessary expenses of maintenance, repair, res-
10 toration, and alteration of facilities owned or occupied by
11 the Smithsonian Institution, by contract or otherwise, as
12 authorized by section 2 of the Act of August 22, 1949
13 (63 Stat. 623), including necessary personnel, including
14 not to exceed \$10,000 for services as authorized by 5
15 U.S.C. 3109, \$81,300,000, to remain available until ex-
16 pended, of which \$16,750,000 is provided for mainte-
17 nance, repair, rehabilitation and alteration of facilities at
18 the National Zoological Park: *Provided*, That contracts
19 awarded for environmental systems, protection systems,
20 and repair or restoration of facilities of the Smithsonian
21 Institution may be negotiated with selected contractors
22 and awarded on the basis of contractor qualifications as
23 well as price.

CONSTRUCTION

1

2 For necessary expenses for construction, including
3 necessary personnel, \$10,000,000, to remain available
4 until expended.

5

ADMINISTRATIVE PROVISIONS, SMITHSONIAN

6

INSTITUTION

7

8 None of the funds in this or any other Act may be
9 used to make any changes to the existing Smithsonian
10 science programs including closure of facilities, relocation,
11 of staff or redirection of functions and programs without
12 approval by the Board of Regents of recommendations re-

13

14 None of the funds in this or any other Act may be
15 used to initiate the design for any proposed expansion of
16 current space or new facility without consultation with the
17 House and Senate Appropriations Committees.

18

19 None of the funds in this or any other Act may be
20 used for the Holt House located at the National Zoological
21 Park in Washington, D.C., unless identified as repairs to
22 minimize water damage, monitor structure movement, or
23 provide interim structural support.

24

NATIONAL GALLERY OF ART

25

SALARIES AND EXPENSES

26

27 For the upkeep and operations of the National Gal-
28 lery of Art, the protection and care of the works of art
29 therein, and administrative expenses incident thereto, as

1 authorized by the Act of March 24, 1937 (50 Stat. 51),
2 as amended by the public resolution of April 13, 1939
3 (Public Resolution 9, Seventy-sixth Congress), including
4 services as authorized by 5 U.S.C. 3109; payment in ad-
5 vance when authorized by the treasurer of the Gallery for
6 membership in library, museum, and art associations or
7 societies whose publications or services are available to
8 members only, or to members at a price lower than to the
9 general public; purchase, repair, and cleaning of uniforms
10 for guards, and uniforms, or allowances therefor, for other
11 employees as authorized by law (5 U.S.C. 5901–5902);
12 purchase or rental of devices and services for protecting
13 buildings and contents thereof, and maintenance, alter-
14 ation, improvement, and repair of buildings, approaches,
15 and grounds; and purchase of services for restoration and
16 repair of works of art for the National Gallery of Art by
17 contracts made, without advertising, with individuals,
18 firms, or organizations at such rates or prices and under
19 such terms and conditions as the Gallery may deem prop-
20 er, \$78,219,000, of which not to exceed \$3,026,000 for
21 the special exhibition program shall remain available until
22 expended.

23 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

24 For necessary expenses of repair, restoration and
25 renovation of buildings, grounds and facilities owned or
26 occupied by the National Gallery of Art, by contract or

1 otherwise, as authorized, \$16,230,000, to remain available
2 until expended: *Provided*, That contracts awarded for envi-
3 ronmental systems, protection systems, and exterior repair
4 or renovation of buildings of the National Gallery of Art
5 may be negotiated with selected contractors and awarded
6 on the basis of contractor qualifications as well as price.

7 JOHN F. KENNEDY CENTER FOR THE PERFORMING
8 ARTS

9 OPERATIONS AND MAINTENANCE

10 For necessary expenses for the operation, mainte-
11 nance and security of the John F. Kennedy Center for
12 the Performing Arts, \$16,310,000.

13 CONSTRUCTION

14 For necessary expenses for capital repair and restora-
15 tion of the existing features of the building and site of
16 the John F. Kennedy Center for the Performing Arts,
17 \$17,600,000, to remain available until expended.

18 WOODROW WILSON INTERNATIONAL CENTER FOR
19 SCHOLARS

20 SALARIES AND EXPENSES

21 For expenses necessary in carrying out the provisions
22 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
23 1356) including hire of passenger vehicles and services as
24 authorized by 5 U.S.C. 3109, \$8,488,000.

1 NATIONAL FOUNDATION ON THE ARTS AND THE

2 HUMANITIES

3 NATIONAL ENDOWMENT FOR THE ARTS

4 GRANTS AND ADMINISTRATION

5 For necessary expenses to carry out the National
6 Foundation on the Arts and the Humanities Act of 1965,
7 as amended, \$99,489,000 shall be available to the Na-
8 tional Endowment for the Arts for the support of projects
9 and productions in the arts through assistance to organi-
10 zations and individuals pursuant to sections 5(c) and 5(g)
11 of the Act, for program support, and for administering
12 the functions of the Act, to remain available until ex-
13 pended.

14 NATIONAL ENDOWMENT FOR THE HUMANITIES

15 GRANTS AND ADMINISTRATION

16 For necessary expenses to carry out the National
17 Foundation on the Arts and the Humanities Act of 1965,
18 as amended, \$109,932,000, shall be available to the Na-
19 tional Endowment for the Humanities for support of ac-
20 tivities in the humanities, pursuant to section 7(c) of the
21 Act, and for administering the functions of the Act, to
22 remain available until expended.

23 MATCHING GRANTS

24 To carry out the provisions of section 10(a)(2) of the
25 National Foundation on the Arts and the Humanities Act
26 of 1965, as amended, \$16,122,000, to remain available

1 until expended, of which \$10,436,000 shall be available
2 to the National Endowment for the Humanities for the
3 purposes of section 7(h): *Provided*, That this appropria-
4 tion shall be available for obligation only in such amounts
5 as may be equal to the total amounts of gifts, bequests,
6 and devises of money, and other property accepted by the
7 chairman or by grantees of the Endowment under the pro-
8 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
9 the current and preceding fiscal years for which equal
10 amounts have not previously been appropriated.

11 CHALLENGE AMERICA ARTS FUND

12 CHALLENGE AMERICA GRANTS

13 For necessary expenses as authorized by Public Law
14 89–209, as amended, \$17,000,000 for support for arts
15 education and public outreach activities, to be adminis-
16 tered by the National Endowment for the Arts, to remain
17 available until expended.

18 ADMINISTRATIVE PROVISIONS

19 None of the funds appropriated to the National
20 Foundation on the Arts and the Humanities may be used
21 to process any grant or contract documents which do not
22 include the text of 18 U.S.C. 1913: *Provided*, That none
23 of the funds appropriated to the National Foundation on
24 the Arts and the Humanities may be used for official re-
25 ception and representation expenses: *Provided further*,

1 That funds from nonappropriated sources may be used as
2 necessary for official reception and representation ex-
3 penses: *Provided further*, That the Chairperson of the Na-
4 tional Endowment for the Arts may approve grants up to
5 \$10,000, if in aggregate this amount does not exceed 5
6 percent of the sums appropriated for grant making pur-
7 poses per year: *Provided further*, That such small grant
8 actions are taken pursuant to the terms of an expressed
9 and direct delegation of authority from the National Coun-
10 cil on the Arts to the Chairperson.

11 COMMISSION OF FINE ARTS

12 SALARIES AND EXPENSES

13 For expenses made necessary by the Act establishing
14 a Commission of Fine Arts (40 U.S.C. 104), \$1,255,000:
15 *Provided*, That the Commission is authorized to charge
16 fees to cover the full costs of its publications, and such
17 fees shall be credited to this account as an offsetting col-
18 lection, to remain available until expended without further
19 appropriation.

20 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

21 For necessary expenses as authorized by Public Law
22 99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

23 ADMINISTRATIVE PROVISION

24 None of the funds appropriated in this or any other
25 Act, except funds appropriated to the Office of Manage-
26 ment and Budget, shall be available to study the alteration

1 or transfer of the National Capital Arts and Cultural Af-
2 fairs program.

3 ADVISORY COUNCIL ON HISTORIC PRESERVATION
4 SALARIES AND EXPENSES

5 For necessary expenses of the Advisory Council on
6 Historic Preservation (Public Law 89–665, as amended),
7 \$3,667,000: *Provided*, That none of these funds shall be
8 available for compensation of level V of the Executive
9 Schedule or higher positions.

10 NATIONAL CAPITAL PLANNING COMMISSION
11 SALARIES AND EXPENSES

12 For necessary expenses, as authorized by the Na-
13 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
14 including services as authorized by 5 U.S.C. 3109,
15 \$7,553,000: *Provided*, That all appointed members of the
16 Commission will be compensated at a rate not to exceed
17 the daily equivalent of the annual rate of pay for positions
18 at level IV of the Executive Schedule for each day such
19 member is engaged in the actual performance of duties.

20 UNITED STATES HOLOCAUST MEMORIAL MUSEUM
21 HOLOCAUST MEMORIAL MUSEUM

22 For expenses of the Holocaust Memorial Museum, as
23 authorized by Public Law 106–292 (36 U.S.C. 2301–
24 2310), \$38,663,000, of which \$1,900,000 for the muse-
25 um’s repair and rehabilitation program and \$1,264,000

1 for the museum's exhibitions program shall remain avail-
2 able until expended.

3 PRESIDIO TRUST

4 PRESIDIO TRUST FUND

5 For necessary expenses to carry out title I of the Om-
6 nibus Parks and Public Lands Management Act of 1996,
7 \$21,327,000 shall be available to the Presidio Trust, to
8 remain available until expended.

9 TITLE III—GENERAL PROVISIONS

10 SEC. 301. The expenditure of any appropriation
11 under this Act for any consulting service through procure-
12 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
13 to those contracts where such expenditures are a matter
14 of public record and available for public inspection, except
15 where otherwise provided under existing law, or under ex-
16 isting Executive Order issued pursuant to existing law.

17 SEC. 302. No part of any appropriation contained in
18 this Act shall be available for any activity or the publica-
19 tion or distribution of literature that in any way tends to
20 promote public support or opposition to any legislative
21 proposal on which congressional action is not complete.

22 SEC. 303. No part of any appropriation contained in
23 this Act shall remain available for obligation beyond the
24 current fiscal year unless expressly so provided herein.

1 SEC. 304. None of the funds provided in this Act to
2 any department or agency shall be obligated or expended
3 to provide a personal cook, chauffeur, or other personal
4 servants to any officer or employee of such department
5 or agency except as otherwise provided by law.

6 SEC. 305. No assessments may be levied against any
7 program, budget activity, subactivity, or project funded by
8 this Act unless advance notice of such assessments and
9 the basis therefor are presented to the Committees on Ap-
10 propriations and are approved by such committees.

11 SEC. 306. None of the funds in this Act may be used
12 to plan, prepare, or offer for sale timber from trees classi-
13 fied as giant sequoia (*Sequoiadendron giganteum*) which
14 are located on National Forest System or Bureau of Land
15 Management lands in a manner different than such sales
16 were conducted in fiscal year 2002.

17 SEC. 307. (a) LIMITATION OF FUNDS.—None of the
18 funds appropriated or otherwise made available pursuant
19 to this Act shall be obligated or expended to accept or
20 process applications for a patent for any mining or mill
21 site claim located under the general mining laws.

22 (b) EXCEPTIONS.—The provisions of subsection (a)
23 shall not apply if the Secretary of the Interior determines
24 that, for the claim concerned: (1) a patent application was
25 filed with the Secretary on or before September 30, 1994;

1 and (2) all requirements established under sections 2325
2 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
3 for vein or lode claims and sections 2329, 2330, 2331,
4 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
5 37) for placer claims, and section 2337 of the Revised
6 Statutes (30 U.S.C. 42) for mill site claims, as the case
7 may be, were fully complied with by the applicant by that
8 date.

9 (c) REPORT.—On September 30, 2003, the Secretary
10 of the Interior shall file with the House and Senate Com-
11 mittees on Appropriations and the Committee on Re-
12 sources of the House of Representatives and the Com-
13 mittee on Energy and Natural Resources of the Senate
14 a report on actions taken by the Department under the
15 plan submitted pursuant to section 314(c) of the Depart-
16 ment of the Interior and Related Agencies Appropriations
17 Act, 1997 (Public Law 104–208).

18 (d) MINERAL EXAMINATIONS.—In order to process
19 patent applications in a timely and responsible manner,
20 upon the request of a patent applicant, the Secretary of
21 the Interior shall allow the applicant to fund a qualified
22 third-party contractor to be selected by the Bureau of
23 Land Management to conduct a mineral examination of
24 the mining claims or mill sites contained in a patent appli-
25 cation as set forth in subsection (b). The Bureau of Land

1 Management shall have the sole responsibility to choose
2 and pay the third-party contractor in accordance with the
3 standard procedures employed by the Bureau of Land
4 Management in the retention of third-party contractors.

5 SEC. 308. Notwithstanding any other provision of
6 law, amounts appropriated to or earmarked in committee
7 reports for the Bureau of Indian Affairs and the Indian
8 Health Service by Public Laws 103–138, 103–332, 104–
9 134, 104–208, 105–83, 105–277, 106–113, 106–291, and
10 107–63 for payments to tribes and tribal organizations for
11 contract support costs associated with self-determination
12 or self-governance contracts, grants, compacts, or annual
13 funding agreements with the Bureau of Indian Affairs or
14 the Indian Health Service as funded by such Acts, are the
15 total amounts available for fiscal years 1994 through 2002
16 for such purposes, except that, for the Bureau of Indian
17 Affairs, tribes and tribal organizations may use their trib-
18 al priority allocations for unmet indirect costs of ongoing
19 contracts, grants, self-governance compacts or annual
20 funding agreements.

21 SEC. 309. Of the funds provided to the National En-
22 dowment for the Arts—

23 (1) The Chairperson shall only award a grant
24 to an individual if such grant is awarded to such in-
25 dividual for a literature fellowship, National Herit-

age Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chair-

1 man. The Chairman shall enter the proceeds in a special
2 interest-bearing account to the credit of the appropriate
3 endowment for the purposes specified in each case.

4 SEC. 311. (a) In providing services or awarding fi-
5 nancial assistance under the National Foundation on the
6 Arts and the Humanities Act of 1965 from funds appro-
7 priated under this Act, the Chairperson of the National
8 Endowment for the Arts shall ensure that priority is given
9 to providing services or awarding financial assistance for
10 projects, productions, workshops, or programs that serve
11 underserved populations.

12 (b) In this section:

13 (1) The term “underserved population” means
14 a population of individuals, including urban minori-
15 ties, who have historically been outside the purview
16 of arts and humanities programs due to factors such
17 as a high incidence of income below the poverty line
18 or to geographic isolation.

19 (2) The term “poverty line” means the poverty
20 line (as defined by the Office of Management and
21 Budget, and revised annually in accordance with sec-
22 tion 673(2) of the Community Services Block Grant
23 Act (42 U.S.C. 9902(2)) applicable to a family of
24 the size involved.

1 (c) In providing services and awarding financial as-
2 sistance under the National Foundation on the Arts and
3 Humanities Act of 1965 with funds appropriated by this
4 Act, the Chairperson of the National Endowment for the
5 Arts shall ensure that priority is given to providing serv-
6 ices or awarding financial assistance for projects, produc-
7 tions, workshops, or programs that will encourage public
8 knowledge, education, understanding, and appreciation of
9 the arts.

10 (d) With funds appropriated by this Act to carry out
11 section 5 of the National Foundation on the Arts and Hu-
12 manities Act of 1965—

13 (1) the Chairperson shall establish a grant cat-
14 egory for projects, productions, workshops, or pro-
15 grams that are of national impact or availability or
16 are able to tour several States;

17 (2) the Chairperson shall not make grants ex-
18 ceeding 15 percent, in the aggregate, of such funds
19 to any single State, excluding grants made under the
20 authority of paragraph (1);

21 (3) the Chairperson shall report to the Con-
22 gress annually and by State, on grants awarded by
23 the Chairperson in each grant category under sec-
24 tion 5 of such Act; and

1 (4) the Chairperson shall encourage the use of
2 grants to improve and support community-based
3 music performance and education.

4 SEC. 312. No part of any appropriation contained in
5 this Act shall be expended or obligated to complete and
6 issue the 5-year program under the Forest and Rangeland
7 Renewable Resources Planning Act.

8 SEC. 313. None of the funds in this Act may be used
9 to support Government-wide administrative functions un-
10 less such functions are justified in the budget process and
11 funding is approved by the House and Senate Committees
12 on Appropriations.

13 SEC. 314. Amounts deposited during fiscal year 2002
14 in the roads and trails fund provided for in the 14th para-
15 graph under the heading “FOREST SERVICE” of the
16 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
17 be used by the Secretary of Agriculture, without regard
18 to the State in which the amounts were derived, to repair
19 or reconstruct roads, bridges, and trails on National For-
20 est System lands or to carry out and administer projects
21 to improve forest health conditions, which may include the
22 repair or reconstruction of roads, bridges, and trails on
23 National Forest System lands in the wildland-community
24 interface where there is an abnormally high risk of fire.
25 The projects shall emphasize reducing risks to human

1 safety and public health and property and enhancing eco-
2 logical functions, long-term forest productivity, and bio-
3 logical integrity. The projects may be completed in a sub-
4 sequent fiscal year. Funds shall not be expended under
5 this section to replace funds which would otherwise appro-
6 priately be expended from the timber salvage sale fund.
7 Nothing in this section shall be construed to exempt any
8 project from any environmental law.

9 SEC. 315. Other than in emergency situations, none
10 of the funds in this Act may be used to operate telephone
11 answering machines during core business hours unless
12 such answering machines include an option that enables
13 callers to reach promptly an individual on-duty with the
14 agency being contacted.

15 SEC. 316. No timber sale in Region 10 shall be adver-
16 tised if the indicated rate is deficit when appraised under
17 the transaction evidence appraisal system using domestic
18 Alaska values for western redcedar: *Provided*, That sales
19 which are deficit when appraised under the transaction
20 evidence appraisal system using domestic Alaska values
21 for western redcedar may be advertised upon receipt of
22 a written request by a prospective, informed bidder, who
23 has the opportunity to review the Forest Service's cruise
24 and harvest cost estimate for that timber. Program accom-
25 plishments shall be based on volume sold. Should Region

1 10 sell, in fiscal year 2002, the annual average portion
2 of the decadal allowable sale quantity called for in the cur-
3 rent Tongass Land Management Plan in sales which are
4 not deficit when appraised under the transaction evidence
5 appraisal system using domestic Alaska values for western
6 redcedar, all of the western redcedar timber from those
7 sales which is surplus to the needs of domestic processors
8 in Alaska, shall be made available to domestic processors
9 in the contiguous 48 United States at prevailing domestic
10 prices. Should Region 10 sell, in fiscal year 2002, less
11 than the annual average portion of the decadal allowable
12 sale quantity called for in the current Tongass Land Man-
13 agement Plan in sales which are not deficit when ap-
14 praised under the transaction evidence appraisal system
15 using domestic Alaska values for western redcedar, the
16 volume of western redcedar timber available to domestic
17 processors at prevailing domestic prices in the contiguous
18 48 United States shall be that volume: (i) which is surplus
19 to the needs of domestic processors in Alaska; and (ii) is
20 that percent of the surplus western redcedar volume deter-
21 mined by calculating the ratio of the total timber volume
22 which has been sold on the Tongass to the annual average
23 portion of the decadal allowable sale quantity called for
24 in the current Tongass Land Management Plan. The per-
25 centage shall be calculated by Region 10 on a rolling basis

1 as each sale is sold (for purposes of this amendment, a
2 “rolling basis” shall mean that the determination of how
3 much western redcedar is eligible for sale to various mar-
4 kets shall be made at the time each sale is awarded).
5 Western redcedar shall be deemed “surplus to the needs
6 of domestic processors in Alaska” when the timber sale
7 holder has presented to the Forest Service documentation
8 of the inability to sell western redcedar logs from a given
9 sale to domestic Alaska processors at price equal to or
10 greater than the log selling value stated in the contract.
11 All additional western redcedar volume not sold to Alaska
12 or contiguous 48 United States domestic processors may
13 be exported to foreign markets at the election of the tim-
14 ber sale holder. All Alaska yellow cedar may be sold at
15 prevailing export prices at the election of the timber sale
16 holder.

17 SEC. 317. A project undertaken by the Forest Service
18 under the Recreation Fee Demonstration Program as au-
19 thorized by section 315 of the Department of the Interior
20 and Related Agencies Appropriations Act for Fiscal Year
21 1996, as amended, shall not result in—

22 (1) displacement of the holder of an authoriza-
23 tion to provide commercial recreation services on
24 Federal lands. Prior to initiating any project, the
25 Secretary shall consult with potentially affected

1 holders to determine what impacts the project may
2 have on the holders. Any modifications to the au-
3 thorization shall be made within the terms and con-
4 ditions of the authorization and authorities of the
5 impacted agency;

6 (2) the return of a commercial recreation serv-
7 ice to the Secretary for operation when such services
8 have been provided in the past by a private sector
9 provider, except when—

10 (A) the private sector provider fails to bid
11 on such opportunities;

12 (B) the private sector provider terminates
13 its relationship with the agency; or

14 (C) the agency revokes the permit for non-
15 compliance with the terms and conditions of the
16 authorization.

17 In such cases, the agency may use the Recreation Fee
18 Demonstration Program to provide for operations until a
19 subsequent operator can be found through the offering of
20 a new prospectus.

21 SEC. 318. Prior to October 1, 2003, the Secretary
22 of Agriculture shall not be considered to be in violation
23 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
24 Renewable Resources Planning Act of 1974 (16 U.S.C.
25 1604(f)(5)(A)) solely because more than 15 years have

1 passed without revision of the plan for a unit of the Na-
2 tional Forest System. Nothing in this section exempts the
3 Secretary from any other requirement of the Forest and
4 Rangeland Renewable Resources Planning Act (16 U.S.C.
5 1600 et seq.) or any other law: *Provided*, That if the Sec-
6 retary is not acting expeditiously and in good faith, within
7 the funding available, to revise a plan for a unit of the
8 National Forest System, this section shall be void with re-
9 spect to such plan and a court of proper jurisdiction may
10 order completion of the plan on an accelerated basis.

11 SEC. 319. Until September 30, 2004, the authority
12 of the Secretary of Agriculture to enter into a cooperative
13 agreement under the first section of Public Law 94–148
14 (16 U.S.C. 565a–1) for a purpose described in such sec-
15 tion includes the authority to use that legal instrument
16 when the principal purpose of the resulting relationship
17 is to the mutually significant benefit of the Forest Service
18 and the other party or parties to the agreement, including
19 nonprofit entities.

20 SEC. 320. No funds provided in this Act may be ex-
21 pended to conduct preleasing, leasing, and related activi-
22 ties under either the Mineral Leasing Act (30 U.S.C. 181
23 et seq.) or the Outer Continental Shelf Lands Act (43
24 U.S.C. 1331 et seq.) within the boundaries of a National
25 Monument established pursuant to the Act of June 8,

1 1906 (16 U.S.C. 431 et seq.) as such boundary existed
2 on January 20, 2001, except where such activities are al-
3 lowed under the Presidential proclamation establishing
4 such monument.

5 SEC. 321. Section 347(a) of the Department of the
6 Interior and Related Agencies Appropriations Act, 1999,
7 as included in Public Law 105–277 as amended, is amend-
8 ed by striking “2004” and inserting “2005”. The author-
9 ity to enter into stewardship and end result contracts pro-
10 vided to the Forest Service in accordance with section 347
11 of title III of section 101(e) of division A of Public Law
12 105–277 is hereby expanded to authorize the Forest Serv-
13 ice to enter into an additional 12 contracts subject to the
14 same terms and conditions as provided in that section.

15 SEC. 322. TECHNICAL CORRECTION RELATED TO
16 CABIN USER FEES.—Section 608(b)(2) of the Cabin User
17 Fee Fairness Act of 2000 (16 U.S.C. 6207(b)(2); Public
18 Law 106–291) is amended by striking “value influences”
19 and inserting in lieu thereof “criteria” and striking “sec-
20 tion 606(b)(3)” and inserting in lieu thereof “section
21 606(b)(2)”.

22 SEC. 323. EXTENSION OF FOREST SERVICE CONVEY-
23 ANCES PILOT PROGRAM.—Section 329 of the Department
24 of the Interior and Related Agencies Appropriations Act,

1 2002 (16 U.S.C. 580d note; Public Law 107–63) is
2 amended—

3 (1) in subsection (b), by striking “10” and in-
4 serting “20”; and

5 (2) in subsection (d), by striking “2005” and
6 inserting “2006”.

7 SEC. 324. A grazing permit or lease issued by the
8 Secretary of the Interior or the Secretary of Agriculture
9 where National Forest System lands are involved that ex-
10 pires (or is transferred or waived) during fiscal year 2003
11 shall be renewed under section 402 of the Federal Land
12 Policy and Management Act of 1976, as amended (43
13 U.S.C. 1752), section 19 of the Granger-Thye Act, as
14 amended (16 U.S.C. 5801), or if applicable, section 510
15 of the California Desert Protection Act (16 U.S.C.
16 410aaa–50). The terms and conditions contained in the
17 expiring permit or lease shall continue in effect under the
18 new permit or lease until such time as the Secretary of
19 the Interior or the Secretary of Agriculture completes
20 processing of such permit or lease in compliance with all
21 applicable laws and regulations, at which time such permit
22 or lease may be canceled, suspended, or modified, in whole
23 or in part, to meet the requirements of such applicable
24 laws and regulations. Nothing in this section shall be
25 deemed to alter the statutory authority of the Secretary

1 of the Interior or the Secretary of Agriculture. Any Fed-
2 eral lands included within the boundary of Lake Roosevelt
3 National Recreation Area, as designated by the Secretary
4 of the Interior on April 5, 1990 (Lake Roosevelt Coopera-
5 tive Management Agreement), that were utilized as of
6 March 31, 1997, for grazing purposes pursuant to a per-
7 mit issued by the National Park Service, the person or
8 persons so utilizing such lands as of March 31, 1997, shall
9 be entitled to renew said permit under such terms and
10 conditions as the Secretary may prescribe, for the lifetime
11 of the permittee or 20 years, whichever is less.

12 SEC. 325. Notwithstanding any other provision of law
13 or regulation, employees of foundations established by
14 Acts of Congress to solicit private sector funds on behalf
15 of Federal land management agencies shall qualify for
16 General Services Administration contract airfare rates and
17 Federal Government hotel accommodation rates when
18 such employees are traveling on official foundation busi-
19 ness.

20 SEC. 326. Notwithstanding any other provision of law
21 or regulation, to promote the more efficient use of the
22 health care funding allocation for fiscal year 2003, the
23 Eagle Butte Service Unit of the Indian Health Service,
24 at the request of the Cheyenne River Sioux Tribe, may
25 pay base salary rates to health professionals up to the

1 highest grade and step available to a physician, phar-
2 macist, or other health professional and may pay a recruit-
3 ment or retention bonus of up to 25 percent above the
4 base pay rate.

5 SEC. 327. None of the funds made available in this
6 Act may be transferred to any department, agency, or in-
7 strumentality of the United States Government except
8 pursuant to a transfer made by, or transfer authority pro-
9 vided in, this Act or any other appropriations Act.

10 SEC. 328. In entering into agreements with foreign
11 countries pursuant to the Wildfire Suppression Assistance
12 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
13 the Secretary of the Interior are authorized to enter into
14 reciprocal agreements in which the individuals furnished
15 under said agreements to provide wildfire services are con-
16 sidered, for purposes of tort liability, employees of the
17 country receiving said services when the individuals are
18 fighting fires. The Secretary of Agriculture or the Sec-
19 retary of the Interior shall not enter into any agreement
20 under this provision unless the foreign country (either di-
21 rectly or through its fire organization) agrees to assume
22 any and all liability for the acts or omissions of American
23 firefighters engaged in firefighting in a foreign country.
24 When an agreement is reached for furnishing fire fighting
25 services, the only remedies for acts or omissions com-

1 mitted while fighting fires shall be those provided under
2 the laws of the host country and those remedies shall be
3 the exclusive remedies for any claim arising out of fighting
4 fires in a foreign country. Neither the sending country nor
5 any organization associated with the firefighter shall be
6 subject to any action whatsoever pertaining to or arising
7 out of fighting fires.

8 SEC. 329. PROHIBITION OF OIL AND GAS DRILLING
9 IN THE FINGER LAKES NATIONAL FOREST, NEW
10 YORK.—None of the funds in this Act may be used to
11 prepare or issue a permit or lease for oil or gas drilling
12 in the Finger Lakes National Forest, New York, during
13 fiscal year 2003.

14 This Act may be cited as the “Department of the In-
15 terior and Related Agencies Appropriations Act, 2003”.

Union Calendar No. 338

107TH CONGRESS
2^D SESSION

H. R. 5093

[Report No. 107-564]

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

JULY 11, 2002

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed